

Appendix I

Public Meeting Summaries/Minutes



KEITH and SCHNARS, P.A.
ENGINEERS, PLANNERS, SURVEYORS

FILE DOCUMENTATION

TO: FILE

FROM: John Krane

DATE: September 26, 2012

**SUBJECT: Crosstown Parkway Extension EIS
Nuclear Emergency Evacuation**

Mr. Tom Daly, Emergency Management Coordinator, St. Lucie County (772.462.8100) was contacted on September 26, 2012 to discuss the proposed impact the Crosstown Parkway Extension would have on evacuation planning due to a nuclear emergency. Mr. Daley stated that the proposed project would absolutely have a positive impact on facilitating any necessary evacuation with a direct route to I-95. He relayed that FPL is currently updating their evacuation plan, and the Emergency Management office asked them to add the existing portions of Crosstown Parkway to their evacuation network, with the consideration that it may eventually connect to U.S. 1.

John P. Krane

From: Harry Fulwood
Sent: Friday, August 03, 2012 2:25 PM
To: 'cathy.kendall@fhwa.dot.gov'; 'buddy.cunill@fhwa.dot.gov'; 'vicki.sharpe@dot.state.fl.us'; 'Beatriz Caicedo-Maddison'; 'Patrick.Glass@dot.state.fl.us'; 'Richard.Young@dot.state.fl.us'; 'Broadwell, Ann L'; 'Frank Knott'; 'John_Wrublik@fws.gov'; 'Anna.Peterfreund@acp-ga.com'; 'BMirson@acp-fl.com'; 'victoria_foster@fws.gov'
Cc: Michael Davis; John P. Krane; Barry Ehrlich; Kristine Stewart; Veronica Altuve
Subject: Final Meeting Minutes May 24, 2012- U.S. Fish and Wildlife Service Office – Vero Beach
Attachments: FINAL USFWS Meeting Minutes 5-24-2012.pdf

All,

Attached are the final meeting minutes for the May 24, 2012 – U.S. Fish and Wildlife Service Office meeting, for your records.

Thank you,

Harry L. Fulwood, Jr.

Project Development and Environment Studies
 Keith and Schnars, P. A.
 6500 North Andrews Avenue
 Fort Lauderdale, FL 33309-2132

Phone: (954) 776-1616

Toll Free: (800) 488-1255

Fax: (954) 771-7690

E-mail: hfulwood@keithandschnars.com

From: Harry Fulwood
Sent: Tuesday, July 31, 2012 12:12 PM
To: 'cathy.kendall@fhwa.dot.gov'; 'buddy.cunill@fhwa.dot.gov'; 'vicki.sharpe@dot.state.fl.us'; 'Beatriz Caicedo-Maddison'; 'Patrick.Glass@dot.state.fl.us'; 'Richard.Young@dot.state.fl.us'; 'Broadwell, Ann L'; 'Frank Knott'; 'John_Wrublik@fws.gov'; 'Anna.Peterfreund@acp-ga.com'; 'BMirson@acp-fl.com'; 'victoria_foster@fws.gov'
Cc: Michael Davis; John P. Krane; Barry Ehrlich; Kristine Stewart; Veronica Altuve
Subject: RE: Draft Meeting Minutes May 24, 2012

All,

We are in the process of finalizing the minutes for the above mentioned meeting, please let me know if you have any comments, by Wednesday August 1st.

Thank you to all that have responded thus far.

Harry L. Fulwood, Jr.

Project Development and Environment Studies
 Keith and Schnars, P. A.
 6500 North Andrews Avenue
 Fort Lauderdale, FL 33309-2132

Phone: (954) 776-1616

Toll Free: (800) 488-1255

8/30/2012

Fax: (954) 771-7690

E-mail: hfulwood@keithandschnars.com

From: Harry Fulwood

Sent: Thursday, July 26, 2012 11:19 AM

To: 'cathy.kendall@fhwa.dot.gov'; 'buddy.cunill@fhwa.dot.gov'; 'vicki.sharpe@dot.state.fl.us'; 'Beatriz Caicedo-Maddison'; 'Patrick.Glass@dot.state.fl.us'; 'Richard.Young@dot.state.fl.us'; 'Broadwell, Ann L'; 'Frank Knott'; 'John_Wrublik@fws.gov'; 'Anna.Peterfreund@acp-ga.com'; 'BMirson@acp-fl.com'; 'victoria_foster@fws.gov'

Cc: Michael Davis; John P. Krane; Barry Ehrlich; Kristine Stewart; Veronica Altuve

Subject: Draft Meeting Minutes May 24, 2012

All,

Attached are the Draft Minutes from the U.S. Fish and Wildlife Service project update and consultation/coordination meeting held on May 24, 2012. Please review the minutes and let us know if you have any comments.

Thank you,

Harry L. Fulwood, Jr.

Project Development and Environment Studies

Keith and Schnars, P. A.

6500 North Andrews Avenue

Fort Lauderdale, FL 33309-2132

Phone: (954) 776-1616

Toll Free: (800) 488-1255

Fax: (954) 771-7690

E-mail: hfulwood@keithandschnars.com

John P. Krane

From: Kristine Stewart
Sent: Monday, July 16, 2012 1:54 PM
To: 'Anita_Barnett@nps.gov'
Cc: John P. Krane; Harry Fulwood
Subject: Follow up to our telephone conversation
Attachments: Record of Telephone Conversation NPS Anita Barnett 07-11-2012.doc

Dear Ms. Barnett,

Attached is a draft record of telephone conversation from our telephone call last week. Please review it to see if it accurately captures our conversation.

Thanks.

Kristine Stewart, Ph.D.
Senior Biologist/Senior Scientist
Keith and Schnars
6500 N. Andrews Avenue
Fort Lauderdale, FL 33309
(954) 776-1616
(954) 771-7690 (Fax)
kstewart@keithandschnars.com



Visit the Keith and Schnars Facebook Page:

<http://www.facebook.com/pages/Keith-and-Schnars/138052299630862?sk=wall>

**Record of Telephone Conversation
Crosstown Parkway Extension EIS
Department of Interior, National Parks Service
Project Coordination
July 11, 2012 – 2:00 p.m. to 2:30 p.m.**

Attendees:

John Krane, P.E. – Keith and Schnars, P.A.
Kristine Stewart – Keith and Schnars, P. A.
Anita Barnett – National Parks Service

Note that Ms. Barnett was contacted on two previous occasions where information needs were discussed. Information was uploaded to the Keith and Schnars FTP site but Ms. Barnett was not able to download these documents. She then accessed the information that was available on the Crosstown Parkway Extension EIS website. The items that were reviewed were the Draft Section 4(f) Evaluation that contains a description of the mitigation plan and the agreements between the City of Port St. Lucie and the FDEP regarding the mitigation plan.

Ms. Stewart described how the mitigation plan was in a more advanced stage than described in the Draft Section 4(f) Evaluation. She said that all of the projects had design plans and that Platt's Creek had detailed design plans, including the level of detail required by the Army Corps of Engineers.

Ms. Barnett explained that her role in Section 4(f) coordination is that the Department of Interior needs to review any Section 4(f) property for involvement with Section 6(f) or if properties received Land and Water Conservation Funds. She also reviews the evaluation of alternatives and mitigation.

She has reviewed the information and believes it is adequate for purposes of Section 4(f). FHWA will send the Final Section 4(f) to Environmental Compliance Review, and the reviewer is Ms. Barnett. She would provide a concurrence statement or comments with FHWA's finding for the FEIS. Ms. Stewart asked about the coordination requirements with the DOI for the Final Section 4(f) Evaluation, and if this record of conversation meets that requirement. Ms. Barnett said that it would.

Ms. Barnett asked if any lands in the Savannas Preserve State Park were purchased with Land and Water Conservation Funds. Ms. Stewart said that FDEP was asked about this and no Land and Water Conservation Funds were used to purchase any of the state park lands.

This record was produced by Keith and Schnars, and is an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

**Meeting Minutes
Crosstown Parkway Extension EIS
Florida Department of Environmental Protection
Project Coordination Meeting/Video conference/Teleconference
FDEP Division of Recreation and Parks – Hobe Sound
July 10, 2012 – 9:00 a.m. to 10:00 a.m.**

Purpose: Project Update and Coordination of the FEIS

Attendees:

John Krane, P.E. – Keith and Schnars, P.A.
Kristine Stewart – Keith and Schnars
Paul Rice – FDEP, Division of Recreation and Parks
Brian Sharpe – FDEP, Coastal and Aquatic Managed Areas

Attendees by video conference:

Albert Gregory
Lewis Scruggs
Matt Klein

Attendees by Telephone:

Patrick Glass, P.E. – Florida Department of Transportation
Richard Young, P.E. – Florida Department of Transportation
Ann Broadwell – Florida Department of Transportation
Steve Braun, P.E. – Florida Department of Transportation

Introductions

John Krane opened the meeting and introductions were made.

Project Update

A PowerPoint presentation was presented that describes the project's progress to date and the compensatory mitigation plans.

Discussion of Temporary Construction Impacts

The purpose of the meeting was to address the specific concerns of the FDEP regarding the Crosstown Parkway Extension EIS project.

After the Powerpoint presentation, Mr. Gregory asked about the conservation status of the lands to be transferred to State ownership for proprietary mitigation. Whether the lands are already in conservation or able to be developed could be a point of discussion. If they currently have a conservation easement, there would be no net increase in conservation lands. As an example, he asked if part of the church property is one of the lands to be acquired and transferred to State ownership. Part of this land is believed to already have a conservation easement, and they know this land was originally discussed as one of the parcels to be acquired and transferred to the State. Mr. Krane said that the status of these lands would be confirmed.

Mr. Krane briefly discussed the proposed construction impacts and handed out the draft text to Mr. Rice and Mr. Sharpe. Mr. Krane said that he would send the text and all other handouts to the

Meeting Minutes
Crosstown Parkway Extension EIS
Florida Department of Environmental Protection
Project Coordination Meeting/Video conference/Teleconference
FDEP Division of Recreation and Parks – Hobe Sound
July 10, 2012 – 9:00 a.m. to 10:00 a.m.

attendees in Tallahassee. He also gave them a draft summary of the impacts estimated for the Preferred Alternative, Alternative 1C. This table showed the types and amounts of impacts for each habitat (in the water and on the land). It also quantifies the amount of temporary construction impacts. Mr. Krane noted that these methods were being refined as more detail is obtained. The construction impacts are important because the FDEP, as the agency with jurisdiction over the NFSLR Aquatic Preserve and Savannas Preserve State Park, needs to be comfortable with the construction impacts for purposes of Section 4(f). Construction impacts are called temporary occupancies in Section 4(f) and the language was briefly discussed. A handout of the language in the regulations was given to Mr. Rice and Mr. Sharpe. Mr. Gregory said that FDEP has been involved in all discussions regarding the easement and the mitigation plan but they did not have much detail on the proposed construction or pile placement. He also said that FDEP has experience in coordinating on Section 4(f) issues. He said that the agency was comfortable with the adequacy of mitigation. He also said that if he is provided with information such as what had been discussed so far and it has sufficient detail to provide an acceptable understanding of the project, then he thought FDEP would be able to write a letter signing off on the Section 4(f) issues.

Mr. Gregory said that to date, he thought that all construction would be top down. Today was the first time he had been told that there could be temporary trestles. He requested more information regarding temporary and long-term impacts of the two methods before he could write the letter for Section 4(f). He said that it was undecided who would write the letter.

Halpatiokee (discussion of current and proposed maintenance)

The discussion turned to the management of Halpatiokee Canoe and Nature Trail. If any of the alternatives other than Alternative 1C had been selected, Halpatiokee would be abandoned. This means that it would be allowed to grow back to a natural condition. After looking at an aerial photograph of Alternative 1C, it was suggested that the existing entrance would likely be retained so that the area could be used for park management (exotic plant control, fire management). It would be gated and kept locked to prevent access by the public. Mr. Sharpe asked if there would be a way to pass under the bridge in the natural areas, and he was assured that there would be for some distance between the water's edge and where the bridge will eventually come down to grade. Ms. Stewart asked about current maintenance and Mr. Rice described that the ranger opens and closes the gate daily and occasionally walks the trails to check for problems.

Fire Management

Ms. Stewart asked how the new bridge would affect fire management. Mr. Rice replied that a new bridge would affect when and how burns are conducted. All fires would have to have a NE wind to carry smoke away from US 1 and the new roadway. This is not too different that how it is currently done. Ms. Stewart asked if a third bridge would be a benefit if one of the bridges could be closed, using the other two bridges during a burn. Mr. Rice stated that would be difficult to coordinate because a burn can only be planned 3-4 days in advance so that weather can be predicted.

Meeting Minutes
Crosstown Parkway Extension EIS
Florida Department of Environmental Protection
Project Coordination Meeting/Video conference/Teleconference
FDEP Division of Recreation and Parks – Hobe Sound
July 10, 2012 – 9:00 a.m. to 10:00 a.m.

Sometimes a burn must be cancelled if the winds are not right. Mr. Rice said that the new bridge would not prevent a burn.

USFWS Perpetuity Clause

Mr. Krane then discussed the desire of the US Fish and Wildlife Service's (USFWS) request to enter into a third party agreement over the conservation of the acquired properties. He explained that we had assumed that they would be included in the management plan for the rest of the state park. Ms. Broadwell explained that the USFWS has shifted their mission over the years from preserving individual species to a habitat conservation approach, especially as the habitat is related to wood stork conservation. They object to conservation lands being converted to roads, and want assurance that these new lands will not be converted in the future. Mr. Krane explained that draft language was sent to the City for their consideration, and asked FDEP if they had been party to something like this on other projects. Mr. Gregory was not aware of any.

Closing Questions/Comment

Brian Sharpe brought up the issue of navigation during construction. He asked if the channel would be closed during construction. He explained that there was a blue crab fishery in the NFSLR and the fishermen would strongly object if navigation were affected, as well as the general public. It was explained that the Coast Guard would not grant a permit to close the channel. Mr. Krane said that he would revise the temporary construction description to better describe that the channel would remain open to navigation. It was stated that at some time, such as during the placement of beams, it may be necessary to close the channel for short periods for safety reasons.

Mr. Gregory asked when the Trustees would decide on the disposal of state lands and the easement. Ms. Broadwell asked Mr. Gregory to explain the process for a "land swap" versus the process for granting the easement over Sovereign Submerged Lands. Mr. Krane suggested a follow-up meeting to address these issues with those who have been involved with the process from the City and the Division of State Lands. Mr. Krane said he would follow-up with the City to coordinate that meeting.

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.



KEITH and SCHNARS, P.A.
ENGINEERS, PLANNERS, SURVEYORS

FILE DOCUMENTATION

TO: FILE

FROM: Joyce Howland

DATE: June 18 & 19, 2012

**SUBJECT: Crosstown Parkway Extension EIS
FEMA Coordination**

On June 18, 2012, Prasad Immula, Ph.D., P.E. was contacted to discuss the Crosstown Parkway Extension project. Dr. Immula works in the Floodplain Management branch of the FEMA - Region IV office in Atlanta. This branch administers the floodplain management and insurance aspects of the NFIP. These programs focus on development codes and building regulations to assure that new developments in floodplain areas do not increase risk of future flood damage. Dr. Immula was familiar with the project based on his review of the DEIS submitted to FEMA. Dr. Immula was advised that Alternative 1C was the Preferred Alternative and that the floodplain analysis indicated a latitudinal floodplain encroachment of 1.82 acres. The Platt's Creek Mitigation Area project will include considerable excavation within the floodplain and this excavation will more than offset the encroachment volume. Dr. Immula had no comments on the project but suggested that Dr. William Straw (FEMA – Region IV) be contacted.

On June 19, 2012, William R. Straw, Ph.D the Regional Environmental Officer at the FEMA - Region IV office was contacted as directed by Dr. Immula. Dr. Straw was advised that Alternative 1C was the Preferred Alternative and included a 1.82-acre floodway encroachment; this encroachment would be offset by the excavation in the Platt's Creek Mitigation Area just north of the proposed project. Dr. Straw stated that his review of the DEIS did not raise concerns of an increased flood risk. He advised that the requirements of EO 11998 and Federal-Aid Policy Guide 23 CFR 650A for coordination with FEMA were fully addressed through the Advance Notification and draft EIS.

Dr. Straw's statement is consistent with the *Additional Guidance on 23 CFR 650A Attachment 2 – Procedures for Coordinating Highway Encroachments of Floodplains with Federal Emergency Management Agency (FEMA)*. This guidance document states that coordination means “furnishing to FEMA the Draft EIS/EA ...” and would also include furnishing site plan and water surface elevation information in support of a floodway revision request. The *Location Hydraulic Report* and the analysis performed for the SFWMD Conceptual ERP reveal that revisions to the floodplain and floodway elevations are not required.



American Consulting Professionals, LLC
American Consulting Engineers of Florida, LLC
2000 Palm Beach Lakes Blvd., Suite 1000
West Palm Beach, Florida 33409
Tel 561.253.9550 • Fax 561.253.9551
american@acp-fl.com • www.acp-americas.com

TELEPHONE CALL RECORD

Date: June 8, 2012 **Date Issued:** June 8, 2012
Time: 3:00 **Issued by:** Anna Peterfreund
Contact: Mindy Parrott **Phone #:** (561) 682-6324
Company: SFWMD
Project: Crosstown Parkway
Subject: Bridge pier locations

The following notes reflect our understanding of the discussions and decisions made during this telephone conversation. If you have any questions, additions or comments, please contact us at the above address. We will consider the record to be accurate unless written notice is received within 10 working days of the date issued.

I spoke with Mindy regarding the placement of piers along the Crosstown Parkway project. Her opinion is that piers placed in the open water are less damaging than placing them within wetlands regardless of land ownership (that is regardless if it is state land or not). Unless, of course, our analyses show otherwise due to scour or some other force. This would apply to Alternative 6A as well. So in her opinion, even for Alternative 6A, she would prefer the piers in the open water over the wetlands.

American Project #: 5079986

Copies To: File, City of PSL, Barry Ehrlich

Meeting Notes
Crosstown Parkway Extension EIS
National Marine Fisheries Service
Project Coordination Meeting/Teleconference
NMFS Office – West Palm Beach
June 1, 2012 – 2:00 p.m. to 3:00 p.m.

Purpose: Project Update and Coordination of the FEIS

Attendees:

Brandon Howard – National Marine Fisheries Service
Patrick Glass, P.E. – Florida Department of Transportation
Richard Young, P.E. – Florida Department of Transportation
Ann Broadwell – Florida Department of Transportation
Michael Davis – Keith and Schnars, P.A.
John Krane, P.E. – Keith and Schnars, P.A.
Kristine Stewart – Keith and Schnars, P.A.
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie

Attendees by Telephone:

Frank Knott – City of Port St. Lucie
Robin Dorfmeister, Administrative Secretary, Engineering Operations – City of Port St. Lucie

Introductions

John Krane opened the meeting and introductions were made.

Project Update

A PowerPoint presentation was shown that detailed the projects progress and mitigation plans. The PowerPoint was the same as presented at the joint USACE/NMFS meeting on 5/24/2012.

Discussion of Project and Mitigation

The purpose of the meeting was to address the specific comments and concerns of the National Marine Fisheries Service (NMFS). These concerns were expressed at the joint meeting on 5/24/12 that Mr. Howard attended by telephone.

Mr. Krane explained the additional alternative of combining the widening of the existing two bridges with the multimodal and TSM alternatives. The additional analysis text was given to Mr. Howard. The analysis showed that even with the combination of all three alternatives, the existing bridges would still be over capacity. In addition, the bridge widening would have significant business relocations.

Mr. Krane briefly discussed the proposed construction impacts and gave the draft text to Mr. Howard. Mr. Krane noted that these methods were being refined as more detail was obtained. Mr. Krane also gave Mr. Howard construction plans for the Platt's Creek mitigation area, the E-WRAP scores, the proximity worksheet, and text of the mitigation plan (that summarized the USACE 12-point mitigation plan requirements).

Meeting Notes
Crosstown Parkway Extension EIS
National Marine Fisheries Service
Project Coordination Meeting/Teleconference
NMFS Office – West Palm Beach
June 1, 2012 – 2:00 p.m. to 3:00 p.m.

Mr. Krane described the process of selecting the Locally Preferred Alternative by the City. Mr. Krane gave Mr. Howard an excerpt from the FEIS that described the process in detail. Mr. Davis pointed out that there was a detailed process in developing the criteria and scoring methods. The process was approved by the Florida Department of Transportation (FDOT) and Federal Highway Administration (FHWA). The alternatives were scored by the consultant team who had the most knowledge of the project impacts and analysis and then, the alternatives were scored by a panel, made up of representatives of the City, the FDOT, and the TPO.

The discussion turned to requirements for Essential Fish Habitat (EFH) consultation. For EFH, the NMFS needs to consider the alternative with the least impact to fulfill the requirements of the Magnuson-Stevens Act. Mr. Davis stated that all alternatives have approximately equal impacts. Then, as NEPA allows, the evaluation included the mitigation plan. Mr. Howard stated that EFH may be able to be closed if the avoidance and minimization process is complete. Reference was made to the EFH process for the Jacksonville regional airport. The EFH consultation process can not be closed without avoidance, minimization and mitigation. However, the process can be postponed until the permitting phase. For that project, methods were agreed upon regarding the small tributaries and the project was able to go forward, but EFH is still not closed out. The project referenced was the Jacksonville Outer Beltway Project, also known as "River Crossing" project. Ms. Broadwell stated that the airport project is different in that the PD&E team worked with the ETAT to continue the project, but Crosstown is not yet at that stage.

Mr. Howard stated that what was needed was to fulfill the avoidance requirement then the minimization requirements. The Magnuson-Stevens Act requirements are clear on this. Mr. Howard said he is comfortable with the mitigation plan. Regarding minimization during construction, Ms. Chesser said the City is willing to commit to the same construction minimization requirements as those required at the Indian Street Bridge.

Mr. Howard is willing to close consultation under the Endangered Species Act for the smalltooth sawfish. He stated that juvenile sawfish use mangrove prop roots for cover. He requested the completion of the Section 7 checklist, which includes the construction methods. He noted that mitigation is not necessary to do ESA consultation. The construction methods can use the worst case and need only be completed for mangrove habitat. He suggested that FDOT make their determination and request concurrence for a determination to smalltooth sawfish. This concurrence process can take up to 135 days because it goes through four levels, including the final legal sufficiency. In the meantime, the FEIS process can continue.

Mr. Howard said that some monitoring was completed during the design of the proprietary mitigation projects. For the avoidance evaluation, Mr. Krane pointed out that, for purposes of Section 4(f), only two alternatives were prudent and that Alternative 6A is not prudent. Mr. Howard stated that he wants to concentrate on EFH. In regards to the permitting for the water quality projects, he may not be consulted if the USACE issues nationwide permits.

**Meeting Notes
Crosstown Parkway Extension EIS
National Marine Fisheries Service
Project Coordination Meeting/Teleconference
NMFS Office – West Palm Beach
June 1, 2012 – 2:00 p.m. to 3:00 p.m.**

Ms. Broadwell asked about the NMFS October 12, 2011 comment letter to the DEIS. Mr. Howard responded that he is expecting a response to this letter. It should be on FDOT letterhead and should refer to this meeting and request EFH consultation. This should be a 30-day turnaround. He also prefers to do this consultation now to move forward with the process.

Finally, Mr. Krane discussed the three typical cross sections to clarify the reduction in typical section for the bridge cross section. After the discussion, Mr. Howard stated he understands the need for sidewalks and that he now understands the reduced bridge cross section.

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Notes
Crosstown Parkway Extension EIS
U.S. Army Corps of Engineers and National Marine Fisheries Service
Project Coordination Meeting/Teleconference
FDOT Operations Center – West Palm Beach
May 29, 2012 – 10:00 a.m. to 12:00 p.m.

Purpose: Project Update and Coordination of the FEIS

Attendees:

Garett Lips – U.S. Army Corps of Engineers
Patrick Glass, P.E. – Florida Department of Transportation
Richard Young, P.E. – Florida Department of Transportation
Ann Broadwell – Florida Department of Transportation
Michael Davis – Keith and Schnars, P.A.
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P. A.
Kristine Stewart – Keith and Schnars, P. A.

Attendees by Telephone:

Buddy Cunill – Federal Highway Administration
Cathy Kendall – Federal Highway Administration
Brandon Howard – National Marine Fisheries Service
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie
Frank Knott – City of Port St. Lucie
Robin Dorfmeister, Manager, Engineering Operations – City of Port St. Lucie
Anna Peterfreund – American Consulting Engineers of Florida, LLC

Introductions

John Krane opened the meeting and introductions were made.

Project Update

A PowerPoint presentation was shown that detailed the projects progress and mitigation plans.

Discussion of Agency Comments on DEIS

Brandon Howard asked if E-WRAP has been completed for Bear Point. Ms. Stewart noted that the calculations concerning Bear Point are underway and will be included in coordination materials for National Marine Fisheries Service (NMFS).

Mr. Howard asked about the status of U.S. Fish and Wildlife Service (USFWS) coordination. Ann Broadwell noted that the group met with USFWS on 05/24/2012 to discuss the progress of the project and concurrence. Additional meetings will be planned to provide additional information and to discuss the dispute resolution. Ms. Broadwell said that a subteam will be reconvened to discuss the dispute if the information requested was not adequate. Mr. Howard requested that cooperating agencies be included in all meetings to discuss the project. Ms. Broadwell agreed that the cooperating agencies would be requested at the subteam meeting.

Meeting Notes
Crosstown Parkway Extension EIS
U.S. Army Corps of Engineers and National Marine Fisheries Service
Project Coordination Meeting/Teleconference
FDOT Operations Center – West Palm Beach
May 29, 2012 – 10:00 a.m. to 12:00 p.m.

Mr. Howard asked if a reduction in the typical section was discussed with USFWS. Mr. Krane said that reducing the travel lanes from 12 feet to 11 feet was discussed; however, the City prefers 12-foot travel lanes. Mr. Krane explained that the existing Crosstown Parkway has 12-foot travel lanes and the City thought that a reduction at the bridge would create an unsafe condition. It was mentioned that there are already 11-foot lanes in the City and they seem to cause traffic friction. The purpose of the project is to provide maximum mobility.

Mr. Howard mentioned that there is room on the shoulder that could accommodate the lane reduction. Mr. Krane said that the change would create a much narrower area over the bridge than on the parkway. Michael Davis mentioned that the right of way has been reduced to almost half the width from the roadway section to the bridge.

Mr. Howard asked what the distance between the two bridges is. Mr. Krane noted that the distance between bridges is 10 feet 11 inches. That distance was determined to be the minimum width for bridge inspection and maintenance from the top of the bridge, rather than from below and that the gap will allow light to penetrate for some plant survival under the bridge.

Mr. Howard also asked about the alternative that combines widening of the existing bridges and a TSM alternative. Mr. Krane responded that even with the combination of these alternatives (plus the multimodal alternative), the bridges would still be over capacity and that the widening would require acquisitions of 250 businesses along the two roads.

Essential Fish Habitat Concurrence

Mr. Howard noted that NMFS still prefers Alternative 6A because it has the least impact to Essential Fish Habitat (EFH). To close consultation, all specific questions will need to be answered, especially questions of avoidance and minimization before consultation of the Essential Fish Habitat can be completed. Ms. Broadwell asked FHWA if all consultation must be completed before a signed ROD is received from FHWA. Can the NMFS or any agency agree on a “not significant” impact but be unable to close out consultation because detailed information is still needed (permit level information)? Mr. Davis asked what level of detail would be needed at this point. Mr. Howard stated that it should be at the permitting level, complete with detailed plans for roadways and the bridge. Mr. Howard replied that like any other project, detailed information for the mitigation plan is needed. Also information needed for the preferred alternative (such as ponds, E-WRAP scores, proximity worksheet). Ms. Broadwell noted that SFWMD has issued the permit for Platt’s Creek and the USACE is reviewing the permit. These details are available and said that the mitigation process needs to be merged into the EIS because so much information is now available. Ms. Peterfreund said that a portion of the permitting for Platt’s Creek will soon be available. Ms. Kendall stated that there would have to be a decision prior to receiving a signed ROD. Mr. Cunill stated that FHWA’s preference would be to have consultation closed prior to design. However, he noted that most of the details requested are final design details.

Meeting Notes
Crosstown Parkway Extension EIS
U.S. Army Corps of Engineers and National Marine Fisheries Service
Project Coordination Meeting/Teleconference
FDOT Operations Center – West Palm Beach
May 29, 2012 – 10:00 a.m. to 12:00 p.m.

Mr. Howard said that all impacts to listed species have to be evaluated. Ms. Broadwell asked if the EFH and Endangered Species Biological Assessment (ESBA) could be sent to NMFS for review now. Ms. Howard stated that the request could be sent to him now, along with informal consultation for the smalltooth sawfish. Mr. Howard stated that for sawfish, details on the impact and the mitigation process are needed. It was noted that consultation can take more than 45 days. Mr. Howard stated that he understands what the issues are and that they will be addressed later.

Mr. Davis reiterated that construction level detail is being requested before signing the ROD. Ms. Chesser stated that it would be very difficult for the City to produce design level details before the project is approved. Mr. Howard noted that details on how the bridge will be constructed will be needed. Mr. Davis said that we anticipated that this amount of detail would not be needed until the design phase. Ms. Kendall stated that FHWA needs a level of comfort in knowing the project impacts before signing the ROD. Enough design is needed to answer the questions. Ms. Broadwell said that a balance is needed to be found between permitting and construction.

Ms. Chesser asked if design-build is still an option for the City. Ms. Broadwell said that more discussion with FHWA is needed to determine this. Mr. Krane suggested further dialogue on this matter after the meeting. Ms. Kendall stated that FHWA was open to more discussion, but more follow-up information concerning the amount of impact on the environment is needed before consultation can be closed.

Ms. Broadwell stated that the construction commitment needs to be made now: top down or another method. Mr. Davis said that the construction of the bridge will be top down or top down-like, without a haul road, but clearing and grubbing only at the pilings. Ms. Broadwell noted that responding to the agency letters is important and how construction will be handled should be in the EIS. Mr. Lips said the ESA checklist is needed. Ms. Broadwell said the USACE's 12-point mitigation plan information is important. Much of that information is now available and the regulatory mitigation plan can be finalized.

Mr. Davis suggested that a follow-up meeting should be scheduled with Mr. Howard, including construction plans and how impacts were assessed.

Mr. Krane discussed the Pond Siting Report comments in the NMFS DEIS comment letter and clarified that the proposed ponds were included in the conceptual design plans. Mr. Davis added that the ponds are included in the acreage totals.

Mr. Lips stated that each alternative should be analyzed with respect to the Purpose and Need, making sure that the analysis takes a hard look at all alternatives. Alternative 1C is not the least environmentally damaging practicable alternative for wetlands, although the public interest also needs to be taken into account. Mr. Davis noted that on a landscape level, the build alternatives are not that different from each other but Alternative 6A has significant social impacts on both sides of the river. Mr. Lips noted that in the Locally Preferred Alternative (LPA) scoring process, the

Meeting Notes
Crosstown Parkway Extension EIS
U.S. Army Corps of Engineers and National Marine Fisheries Service
Project Coordination Meeting/Teleconference
FDOT Operations Center – West Palm Beach
May 29, 2012 – 10:00 a.m. to 12:00 p.m.

Purpose and Need category was worth 20 points, while all of the alternatives meet the purpose and need (a yes or no). Mr. Krane explained that some alternatives met purpose and need with varying degrees of success or not.

CERP Coordination

Ms. Stewart noted that the project is located in the CERP Northfork Floodplain Restoration Project and requested information on how to coordinate for CERP. Mr. Lips gave the team information from the Project Initiation Report and that Mr. Paul Stodola was the contact person for this. The Northfork project is not a funded project.

Temporary Construction Impacts

Ms. Stewart asked how much detail is needed for temporary construction impacts. Mr. Lips stated that any methods being considered should be disclosed, such as time schedule and geotech methods.

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Notes
Crosstown Parkway Extension EIS
U.S. Fish and Wildlife Service
Project Coordination Meeting/Teleconference
U.S. Fish and Wildlife Service Office – Vero Beach
May 24, 2012 – 1:30 p.m. to 3:00 p.m.

Purpose: Project Update and Consultation/Coordination with the U.S. Fish and Wildlife Service

Attendees:

Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Patrick Glass, P.E. – Florida Department of Transportation
Richard Young, P.E. – Florida Department of Transportation
Ann Broadwell – Florida Department of Transportation
Victoria Foster – U.S. Fish and Wildlife Service
John Wrublik – U.S. Fish and Wildlife Service
John Krane, P.E. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P. A.
Kristine Stewart – Keith and Schnars, P. A.

Attendees by Telephone:

Cathy Kendall – Federal Highway Administration
Buddy Cunill - Federal Highway Administration
Vicki Sharpe - Florida Department of Transportation (Central Office)
Frank Knott – City of Port St. Lucie
Brian Mirson, P.E. – American Consulting Engineers
Ana Peterfreund - American Consulting Engineers

Introductions

Beatriz Caicedo-Maddison opened the meeting and introductions were made. Ms. Caicedo-Maddison then turned the meeting over to John Krane.

Presentation

Mr. Krane and Ms. Stewart presented a PowerPoint presentation that provided an overview of the project and focused on the Locally Preferred Alternative (LPA) selection process and the compensatory mitigation plan.

Victoria Foster requested details on the shoreline being replaced in linear feet compared to that impacted by the crossing. She stated that the parcels being transferred to Florida Department of Environmental Protection (FDEP) will need perpetual preservation and details of each mitigation project are needed. She said U.S. Fish and Wildlife Service (USFWS) objects to the use of State lands. If proprietary mitigation is to be used to offset the impacts of a road, details are needed to explain how the acquired property will become part of the preserve. The acquired land will need to be maintained in perpetuity.

Ms. Foster said that regardless of the FDEP agreements, USFWS has federal requirements. She added that USFWS needs to review the proprietary mitigation plan and must agree with it in light of

Meeting Notes
Crosstown Parkway Extension EIS
U.S. Fish and Wildlife Service
Project Coordination Meeting/Teleconference
U.S. Fish and Wildlife Service Office – Vero Beach
May 24, 2012 – 1:30 p.m. to 3:00 p.m.

its own jurisdiction. She acknowledged that USFWS will take the mitigation plan into account when considering dispute resolution.

John Wrublik added that he would be interested in knowing what new, unprotected lands will be protected in the 110 acres of mitigation and that more detail should be shown. He noted that the lands to be crossed by the proposed project were obtained for public ownership so he questioned how we would assure that the acquired lands would be preserved in perpetuity and would not be converted at some time in the future. He suggested a restrictive covenant or other measure be incorporated into the mitigation plan, which would assure that the land ownership could not be changed without the written approval of the USFWS.

Ms. Foster asked whether Platt's Creek was a mitigation bank. Ms. Stewart said that it was a Permittee Responsible Offsite Mitigation Area (PROMA), not a mitigation bank.

Mr. Wrublik asked if we have been working with the U.S. Army Corps of Engineers (USACE) about the wood stork biomass calculations. Ms. Stewart responded that we have. Mr. Wrublik said that USFWS will coordinate with USACE regarding the wood stork.

Endangered Species Biological Assessment (ESBA)

Ann Broadwell stated that we will be submitting the ESBA for concurrence. It was noted that it will be updated for the preferred alternative and include any new information. It will be submitted to USFWS prior to the FEIS.

Dispute Resolution

Richard Young gave an update on the dispute resolution process noting that it was anticipated that the DEIS would have provided the information needed to resolve the dispute.

Mr. Wrublik said he did not feel that conservation lands should be used for a transportation facility. He suggested (but this is not a suggestion of USFWS) that we provide all of Platt's Creek credits for mitigation rather than just half. He said that USFWS might then consider dropping its dispute. Brian Mirson stated that it has already been agreed through negotiations that the County would keep half of Platt's Creek credits for future mitigation.

Ms. Broadwell suggested that the mitigation plan include a discussion of the benefits of the plan. This would include the benefits to resources and the community.

Open Discussion

Ms. Caicedo-Maddison noted that if the dispute did not get resolved, an informal subteam meeting will be requested in August 2012.

Meeting Notes
Crosstown Parkway Extension EIS
U.S. Fish and Wildlife Service
Project Coordination Meeting/Teleconference
U.S. Fish and Wildlife Service Office – Vero Beach
May 24, 2012 – 1:30 p.m. to 3:00 p.m.

It was decided that the document on the selection of the Locally Preferred Alternative should be provided to USFWS along with the ESBA (rather than sections of the FEIS).

Ms. Foster said that we must present a good case why Alternative 1C was selected, how the project avoided and minimized impacts, and present an attractive mitigation plan.

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – July 14, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrott, City Manager – City of Port St. Lucie
Patricia Roebeling, P.E., City Engineer – City of Port St. Lucie
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie
Azlina Goldstein-Siegel, Assistant City Attorney – City of Port St. Lucie
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Michael Davis – Keith and Schnars, P.A.
John Krane – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P. A.
Brian Mirson, P.E. – American Consulting Engineers of Florida, LLC

Attendees by Telephone:

Hugo Carter – South Florida Water Management District
Tom Butler – FDEP Division of State Lands
Susan Day – Florida Department of Transportation/D4 Right of Way
Brian Barnett – Florida Fish and Wildlife Conservation Commission (URS)
Anna Peterfreund – American Consulting Engineers of Florida, LLC
John Wrublik – US Fish and Wildlife Service

Introductions

Introductions were made over the phone and in the room, and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the May meeting and the Draft Meeting Minutes from the June meeting. Mr. Krane asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. Tom Butler noted that the ARC has already accepted the project, and that the meetings later in the year will be with the Governor and his cabinet. Mr. Krane noted that the changes would be made and the minutes will be finalized and sent out to everyone.

Schedule Review

Mr. Krane noted that the FHWA indicated that, as of June 9th, they had no further comments on the DEIS. The final modifications to the DEIS were completed by Friday, June 24th, and sent to FDOT District 4 for a final review. Subsequent to FDOT's review, the DEIS was sent back to FHWA for their final approval which was given on July 1, 2011.

Public Hearing – Mr. Krane stated that the Public Hearing is scheduled for September 22nd, 2011. A 'storm date' of October 6th, 2011 has also been reserved.

Preferred Alternative – Mr. Krane noted that Keith and Schnars is conducting internal meetings to discuss the process and criteria for selecting a preferred alternative. Mr. Krane mentioned that the

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – July 14, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

City's selection of a Locally Preferred Alternative will take place in November 2011. The Preferred Alternative which should be selected by January 2012, will be included in the FEIS.

Value Engineering Meeting – Mr. Krane noted that the VE Meeting will follow the selection of a preferred alternative.

Cabinet Review – Mr. Butler asked when the group planned to schedule a meeting with the Cabinet. Brian Mirson suggested scheduling the meeting between December 2011 and March 2012. Mr. Krane stated that we should target February 2012 for the meeting date, while using March 2012 as an alternative.

Follow-Up Items from Last Month

Mr. Krane noted that coordination of the Public Hearing is ongoing and that several internal meetings will be scheduled leading up to the Hearing.

Open Discussion

Mr. Mirson asked if the criteria for selecting the Preferred Alternative have been determined yet. Michael Davis stated that internal meetings are being held at Keith and Schnars to discuss criteria and process.

Beatriz Caicedo-Maddison suggested scheduling meetings for the planning of the Public Hearing. She noted that there are usually 4 meetings held in advance of a Public Hearing. Ms. Caicedo-Maddison also noted that George Padron, Richard Young, Ann Broadwell and Susan Day of FDOT District 4, should all be included in the planning of the Public Hearing.

Advance Permitting/Mitigation Efforts

Anna Peterfreund noted that the permit is on hold for the Wynn Property and they are still awaiting the Platt's Creek permit.

Right-of-Way Discussion

Azlina Goldstein-Siegel noted that the remediation efforts are going forward. Ms. Goldstein-Siegel said that they are currently planning a meeting with Mr. Wynn.

Mr. Mirson noted that the dates of several events will affect the right of way purchase. These events include the Public Hearing, Board of Trustees meeting, and when the permit is submitted for the project. Mr. Davis added that another important date is when the Locally Preferred Alternative is selected by the City.

Mr. Krane reminded the group that George Hadley will be retiring on July 2nd and that Cathy Kendall will be assuming most of his duties concerning the Crosstown Parkway Extension project.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – July 14, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Next Team Meeting

Mr. Krane announced that the next Working Group Meeting will be held on August 18, 2011 at 2:00 p.m.

Follow-Up Items for Next Month

- Planning and coordination of the Public Hearing

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – June 16, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrrott, City Manager – City of Port St. Lucie
Patricia Roebling, P.E., City Engineer – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie
Azlina Goldstein-Siegel, Assistant City Attorney – City of Port St. Lucie
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Michael Davis – Keith and Schnars, P.A.
John Krane – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Brian Mirson, P.E. – American Consulting Engineers of Florida, LLC

Attendees by Telephone:

Kim Graham, P.E., Assistant City Engineer – City of Port St. Lucie
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Hugo Carter – South Florida Water Management District
Tom Butler – FDEP Division of State Lands
Mindy Parrott – South Florida Water Management District

Introductions

Introductions were made over the phone and in the room, and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the April meeting and the Draft Meeting Minutes from the May meeting. Mr. Krane asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. There were no changes and Mr. Krane noted that the minutes will be finalized and sent out to everyone.

Schedule Review

Mr. Krane noted that on June 9th, the FHWA indicated that they had no further comments on the DEIS, and that it could be submitted for the final sign-off. Mr. Krane said that the final changes would be completed by Friday, June 24th, and sent to FDOT District 4 for a final review. Afterwards, the DEIS will be sent back to FHWA for their final sign-off.

Beatriz Caicedo-Maddison announced that George Hadley will be retiring from FHWA, effective July 2nd. She noted that because of this, he will most likely not be on hand to usher the DEIS through the signature process. Cathy Kendall will likely be filling that role and continue to work with the team on the Crosstown Parkway Extension EIS. Ms. Caicedo-Maddison noted that FDOT District 4 will be reviewing the DEIS for compliance and formality only. She stated that the review should take two weeks or less, depending on the availability of those reviewing the report.

Mr. Krane noted that FHWA requested 3 hard copies of the DEIS.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – June 16, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Public Hearing – Mr. Krane stated that the Public Hearing is scheduled for September 22nd, 2011. He noted that the review schedule should not present an issue for the Public Hearing date. Paul Cherry suggested checking with Jorge Padron at FDOT when scheduling the events leading up to the Public Hearing.

Ms. Caicedo-Maddison stated that FDOT will need to review the presentation and Hearing details prior to the Public Hearing. She anticipated 3 or 4 meetings.

Roberta Richards announced that an alternative date (in case of storm delays) for the Public Hearing had been reserved at the Civic Center for October 6, 2011. Ms. Caicedo-Maddison asked who would conduct the Public Hearing. It was suggested that Mr. Bentrutt would probably conduct the Public Hearing with Mr. Krane, and probably someone from FDOT.

Tom Butler noted that with the Public Hearing scheduled for September 22nd, that there would be several dates remaining in the year to bring the project before the ARC Committee (September, October and November). Mr. Butler noted that the ARC has already signed off on the project and that the meeting will be before the Governor and Cabinet only.

Brian Mirson noted that the agreement says we will have the Preferred Alternative selected before meeting with the Committee. Mr. Mirson indicated we should probably target the final available date of the year for meeting.

Mindy Parrot asked when the Preferred Alternative would be selected. Michael Davis noted that the Preferred Alternative should be selected during the period between October and December. Ms. Parrot noted that it is a lengthy process to get on the agenda to meet with the Committee, and that a final legal description must be available, since the council will not accept anything conceptual.

Ms. Caicedo-Maddison suggested setting up dates to meet to discuss the selection of the Preferred Alternative. Mr. Davis stated that Keith and Schnars is currently working on a schedule of meetings, including a criteria meeting.

VE Meeting – Mr. Krane noted that the VE Meeting will follow the selection of a preferred alternative which will occur after the Public Hearing.

Follow-Up Items from Last Month

Mr. Krane noted that FHWA contacted us on June 9th, and have no further comments on the DEIS. We are currently making the final changes to the document and plan to submit it to FDOT District 4 by June 24th.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – June 16, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Open Discussion

None.

Advance Permitting/Mitigation Efforts

Mr. Mirson noted that the Platt's Creek Mitigation plans will be submitted next week, while the Propriety Mitigation meeting is being held during the week of June 27th.

Right-of-Way Discussion

Azlina Goldstein-Siegel noted that the process for remediation of previously purchased parcels was under way, and the Local Funding Agreement was executed. She also said that they are continuing to work with Susan Day and O. R. Colan.

Mr. Mirson asked how the right of way will be handled during the Public Hearing. After some discussion, it was concluded that in addition to the standard right of way and relocation information included with Public Hearings that some discussion of on-going status should be included in the Power Point presentation. There will also be the standard station with relocation staff available to answer questions at the Public Hearing.

Ms. Goldstein-Siegel noted that it would be important to discuss properties that are not being remediated, (i.e. outside the project limits), and the questions that will come from the public.

Next Team Meeting

Mr. Krane announced that the next Working Group Meeting will be held on July 14, 2011 at 2:00 p.m. (2nd Thursday of the month)

Follow-Up Items for Next Month

- Submit DEIS to FDOT District 4
- Final submittal of the DEIS to FHWA

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – May 19, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrrott, City Manager – City of Port St. Lucie
Patricia Roebling, P.E., City Engineer – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Azlina Goldstein-Siegel, Assistant City Attorney – City of Port St. Lucie
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
John Krane – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Brian Mirson, P.E. – American Consulting Engineers of Florida, LLC

Attendees by Telephone:

Kim Graham, P.E., Assistant City Engineer – City of Port St. Lucie
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Susan Day – Florida Department of Transportation/D4 Right of Way
Hugo Carter – South Florida Water Management District
Tom Butler – FDEP Division of State Lands
Anna Peterfreund – American Consulting Engineers of Florida, LLC
Brandon Howard – National Marine Fisheries Service

Introductions

Introductions were made over the phone and in the room, and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the March meeting and the Draft Meeting Minutes from the April meeting. Mr. Krane asked if anyone present at the meeting or the phone had any comments or changes to the minutes. There were no changes and Mr. Krane noted that the minutes will be finalized and sent out to everyone.

Schedule Review

Mr. Krane noted that the DEIS along with the Technical Reports were delivered to FHWA and the Cooperating Agencies in December 2010. As of March 2011 all of the comments were received. The responses to comments along with the red line corrections pages were submitted to FDOT District 4 and CEMO on April 4, 2011, and comments were received on April 20, 2011. The final responses to the comments, along with the red line corrections were submitted to FHWA on May 5, 2011.

Mr. Krane noted that FHWA said they would need a 2-week to 30-day period to review our responses to the agency comments and then, hopefully, FHWA would approve the DEIS in June. Mr. Krane asked Beatriz Caicedo-Maddison if there were any updates from FHWA. Ms. Caicedo-Maddison said that she had a call into FHWA and was awaiting a response.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – May 19, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Public Hearing – Mr. Krane noted that upon approval of the DEIS, coordination will begin for the Public Hearing. Mr. Krane noted that the Public Hearing is tentatively scheduled for September 2011, and that Keith and Schnars has already begun doing preliminary work for the Public Hearing.

VE Meeting – Mr. Krane noted that the VE Meeting will follow the selection of a preferred alternative which will occur after the Public Hearing.

Follow-Up Items from Last Month

Mr. Krane noted that the DEIS was submitted to FHWA on May 5, 2011, we are awaiting comments.

Mr. Krane announced that a Remediation Presentation was given for the City Council on May 16. Patricia Roebeling noted that the presentation went well and it was well received by the council.

Open Discussion

Tom Butler asked if a tentative date had been set for the Public Hearing yet so that we could be added to the Board of Trustee's agenda. Mr. Krane noted that we are still working towards setting a definite date for the Public Hearing. Brian Mirson stated that once a preferred alternative is selected we would like to schedule a meeting with the board.

Ms. Caicedo-Maddison suggested putting together a timetable for future meetings and dates, including the team that will be working on the Public Hearing. Mr. Krane noted that this is a good idea, and we could get started on a schedule.

Advance Permitting/Mitigation Efforts

Anna Peterfreund noted that the Conceptual ERP for Platt's Creek is on hold, however the Proprietary Mitigation is moving forward for next month.

Next Team Meeting

Mr. Krane announced that the next Working Group Meeting will be held on June 16, 2011 at 2:00 p.m.

Follow-Up Items for Next Month

- FHWA comments for the DEIS
- Scheduling coordination of the Public Hearing

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – April 21, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrrott, City Manager – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
Michael Davis – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.

Attendees by Telephone:

George Hadley – FHWA Florida Division
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Morteza Alian, P.E. – Florida Department of Transportation
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Susan Day – Florida Department of Transportation/D4 Right of Way
Ron Miedema – US Environmental Protection Agency
Brian Barnett – Florida Fish and Wildlife Conservation Commission (URS)
Hugo Carter – South Florida Water Management District
Tom Butler – FDEP Division of State Lands
Anna Peterfreund – American Consulting Engineers of Florida, LLC
Brian Mirson, P.E. – American Consulting Engineers of Florida, LLC
Mindy Parrott – South Florida Water Management District

Introductions

Introductions were made over the phone and in the room, and Barry Ehrlich noted that attached to the day's agenda were the Final Meeting Minutes from the February meeting and the Draft Meeting Minutes from the March meeting. Mr. Ehrlich asked if anyone present at the meeting or the phone had any comments or changes to the minutes. There were no changes and Mr. Ehrlich noted that the minutes will be finalized and sent out to everyone.

Schedule Review

Mr. Ehrlich noted that the DEIS along with the Technical Reports were delivered to FHWA and the Cooperating Agencies on December 13, 2010. The DEIS and Technical Reports were also sent to FDEP, FWC and SFWMD. As of March 17, 2011 all of the comments have been received. The responses to comments along with the red line corrections pages were submitted to FDOT District 4 and CEMO on April 4, 2011.

Mr. Ehrlich stated that a teleconference was held yesterday, April 20, 2011 to discuss the comments with FDOT District 4 and CEMO. Mr. Ehrlich noted that there were no major issues and a final submittal to FHWA can be made in two weeks.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – April 21, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Mr. Ehrlich asked George Hadley if submitting the comments/responses in a comment-by-comment format accompanied by a redline version of the revised affected page would be sufficient. Mr. Hadley noted that this would be fine. Mr. Ehrlich asked how long of a review time FHWA would need for the comments. Mr. Hadley said that it is usually a 30-day review period. Beatriz Caicedo-Maddison noted that 30 days is the standard review time, however it may take less time.

Public Hearing – Mr. Ehrlich said that the Public Hearing is pending FHWA's approval of the DEIS, and that we are getting closer to the time that we could pinpoint a date.

VE Meeting – Mr. Ehrlich noted that the VE Meeting will follow the selection of a preferred alternative which will occur after the Public Hearing.

Follow-Up Items from Last Month

Mr. Ehrlich noted that all of the comments for the DEIS were received by March 17, 2011, and a teleconference was held with FDOT District 4 and CEMO yesterday (April 20, 2011).

Open Discussion

Roberta Richards announced that a Remediation Presentation will be given for the City Council on May 16, 2011, with Susan Day.

Ms. Richards noted that the City will be turning over the remaining remediation documents to Ms. Day tomorrow and that their Legal Department will also be working with this. Brian Mirson asked if the same consultant firm helping with the Wynn Property would also be assisting in this project. Roxanne Chesser noted that it would be a different consultant. Ms. Day noted that it is important to make the distinction between the upcoming remediation presentation and the work being done with the Wynn Property. Ms. Day also noted that any real estate/right-of-way acquisition consultant staff members being used will have to be pre-approved by the FDOT.

Michael Davis mentioned that on April 8, 2011 a 'Coffee with the Mayor' event was held, and a presentation on the project was given. He noted that the event went well and was broadcasted on the local government television channel.

Brian Barnett asked what the timetable would be for the selection of the Preferred Alternative. Mr. Ehrlich noted that after the Public Hearing, the public will have 10 days to comment. Afterwards, the comments and other input received as part of the Public Hearing will be reviewed and considered in the decision making process and the selection process will begin. Mr. Ehrlich said that selection of a Preferred Alternative should occur a couple months after the Public Hearing. Paul Cherry added that the selection of a Preferred Alternative might only take a few weeks, depending on the Public Hearing. It was suggested by Mr. Davis that discussion begin with FHWA on the process for selecting a Preferred Alternative, including time frame. Ms. Caicedo-Maddison added that we should start working on this process now, if FHWA is comfortable with it.

Mr. Barnett stated that the DEIS was very complete, and that his agency may provide comments on the DEIS which they did not provide in the first draft. Mr. Davis suggested that the FWC

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – April 21, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

process could begin now, as none of the alternatives will change. Mr. Hadley said that FHWA will insist that they have a voice in the selection of the preferred alternative, but the process that we're using now is fine.

Ms. Chesser asked if Keith and Schnars had a response for Ms. Day concerning the comment raised during the teleconference regarding full versus partial takes. Mr. Ehrlich said that Keith and Schnars had not yet spoken with Ms. Day but would be doing so soon.

Advance Permitting/Mitigation Efforts

Anna Peterfreund noted that the permit was on hold until the Preferred Alternative is selected, but the Platt's Creek permit will be submitted in a month or so.

Mr. Mirson stated that they will continue to assume that Savannah's Park will be part of the project.

Next Team Meeting

Mr. Ehrlich announced that the next Working Group Meeting will be held on May 19, 2011 at 2:00 p.m.

Follow-Up Items for Next Month

- DEIS comments and responses submitted to FHWA

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – March 17, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrutt, City Manager – City of Port St. Lucie
Patricia Roebling, P.E., City Engineer – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Roxanne Chessner, P.E., Engineering – City of Port St. Lucie
Azlina Goldstein Siegel, Assistant City Attorney – City of Port St. Lucie
Morteza Alian, P.E. – Florida Department of Transportation
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.
Brian Mirson, P.E. – American Consulting Engineers of Florida, LLC

Attendees by Telephone:

George Hadley – FHWA Florida Division
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Kim Graham, P.E., Acting Assistant City Engineer – City of Port St. Lucie
Susan Day – Florida Department of Transportation/D4 Right of Way
Ron Miedema – US Environmental Protection Agency
Brian Barnett – Florida Fish and Wildlife Conservation Commission (URS)
Hugo Carter – South Florida Water Management District
Lauren Milligan – Florida Department of Environmental Protection
Vicki Sharpe – FDOT Central Office
Tom Butler – FDEP Division of State Lands

Introductions

Introductions were made over the phone and in the room, and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the January meeting and the Draft Meeting Minutes from the February meeting. Mr. Krane asked if anyone present at the meeting or the phone had any comments or changes to the minutes. There were no changes and Mr. Krane noted that the minutes will be finalized and sent out to everyone.

Schedule Review

Mr. Krane noted that we were still expecting comments from FHWA Legal department. Mr. Krane stated that he was contacted by SFWMD earlier in the day and that comments from them were forthcoming. Hugo Carter (SFWMD) noted that comments dated March 15, 2011 were sent to Beatriz Caicedo-Maddison from Anita Bain. Morteza Alian asked that the comments be forwarded to him since Ms. Maddison is out of the office this week.

Mr. Krane stated that at this point the comments that had been received from the Agencies were relatively easy to address, and that changes were presently being made to the DEIS. Mr. Krane said that the responses to comments would be sent to FHWA; along with the revised DEIS which

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – March 17, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

was currently anticipated the week of April 4th. Mr. Krane noted that he was hopeful that the DEIS would be able to be signed shortly afterwards.

Vicki Sharpe noted that the responses need to be included in the DEIS sent to FHWA. Mr. Krane noted that text in the DEIS to address the comments will be included, but that we need to discuss with George Hadley how he wants to handle the comments and responses coming back to them. [FHWA had not yet joined the meeting.]

Mr. Krane stated that responses to the agency's comments will also be sent to CEMO and FDOT. Mr. Krane noted that the comments which were just received from USFWS (dated February 16, 2011) which had not been distributed to the group as yet appeared to be similar to comments received from other agencies.

Public Hearing – Mr. Krane said that the Public Hearing is pending FHWA's approval of the DEIS, and is anticipated to be held in late spring.

VE Meeting – Mr. Krane noted that the VE Meeting will follow the selection of a preferred alternative which will occur after the Public Hearing.

Follow-Up Items from Last Month

Mr. Krane requested that FDOT contact FHWA to discuss the comments, and how the responses should be addressed.

Mr. Krane noted that a teleconference was held with FDEP on February 25, 2011 to discuss comments. Teleconferences with EPA and USACE were also held on March 2 and March 8, 2011, respectively. There were no comments which could not be resolved.

George Hadley joined the meeting, and Mr. Krane asked how the responses to the comments should be transmitted, and if they should be included in the Comments and Coordination Section of the DEIS, as an Appendix or simply transmitted as a separate document with the proposed revisions to the DEIS. Mr. Hadley said that either way would be acceptable. He added that we do not need to incorporate the comments and responses into the document at this time. Mr. Krane suggested that a separate comment/response document be sent out next week, and then included in the FEIS later.

Mr. Hadley clarified that no comments are expected from FHWA's Legal offices. Mr. Krane asked that a confirmation email stating this be sent to Ms. Maddison and Mr. Morteza Alian. Mr. Hadley noted that an email stating this was sent out on Monday, but he would resend it.

Open Discussion

Patricia Roebing asked why there was no 'X' by USACE under the comments status update section on the agenda. Mr. Krane noted that it was an error and that we had indeed received comments from them on February 25, 2011.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – March 17, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Roberta Richards asked Susan Day when a draft of the LFA could be expected. Ms. Day noted that the draft was received on Monday and comments were expected by Wednesday. Ms. Richards said that they wanted to set up a workshop with City Council, and would need some lead time in order to schedule it. Ms. Day said that a presentation is ready to go now, and that they just need a date for the meeting.

Advance Permitting/Mitigation Efforts

Brian Mirson noted that the comments received regarding defining the scope of the Proprietary Mitigation were being reviewed. The City should consider briefing the Council about the forthcoming authorization for this. Mr. Mirson noted that the Conceptual ERP was on hold until the final permit was ready to be submitted.

Azlina Siegel noted that O.R. Colan Associates, a right-of-way specialist firm, is coming on board to assist with the Wynn property. Ms. Siegel also mentioned to Ms. Day that she had brought to the meeting hard copies (two boxes) of files that were requested, and that Mr. Alian would bring the files back to FDOT's office with him.

Next Team Meeting

Mr. Krane announced that the next Working Group Meeting will be held on April 21, 2011 at 2:00 p.m.

Follow-Up Items for Next Month

- Teleconferences would be scheduled, if necessary, with John Wrublik of USFWS and with the SFWMD, once the comments have been fully reviewed.
- Comments and Responses are expected to be sent to FHWA the week of April 4th.

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – February 24, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrutt, City Manager – City of Port St. Lucie
Patricia Roebeling, P.E., City Engineer – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie
Azlina Goldstein Siegel, Assistant City Attorney – City of Port St. Lucie
Morteza Alian, P.E. – Florida Department of Transportation
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
Michael Davis – Keith and Schnars, P.A.
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.
Brian Mirson, P.E. – American Consulting Engineers of Florida, LLC

Attendees by Telephone:

George Hadley – FHWA Florida Division
John Wrublik – US Fish and Wildlife Service
Ron Miedema – US Environmental Protection Agency
Lauren Milligan – Florida Department of Environmental Protection
Tom Butler – FDEP Division of State Lands
Anna Peterfreund – American Consulting Engineers of Florida, LLC
Mindy Parrott – South Florida Water Management District
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Ann Broadwell – Florida Department of Transportation/D4 PL&EM
Susan Day – Florida Department of Transportation/D4 Right of Way
Richard Young – Florida Department of Transportation

Introductions

Introductions were made over the phone and in the room, and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the November meeting and the Draft Meeting Minutes from the January meeting. Mr. Krane asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. There were no changes and Mr. Krane noted that the minutes will be finalized and sent out to everyone.

Schedule Review

Mr. Krane noted that the DEIS along with the Technical Reports were delivered to FHWA and the Cooperating Agencies on December 13, 2010. The DEIS and Technical Reports were also sent to FDEP, FWC and SFWMD.

Mr. Krane stated that the 30-day review period of the DEIS, ended around January 14, 2011. Mr. Krane noted that comments had been received from some of the agencies, and that the date they were received was listed on the agenda. Mr. Krane asked George Hadley if we could expect any more comments from FHWA. Mr. Hadley said that he wasn't sure if more comments would be

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – February 24, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

submitted, but that he would notify us next week if they are. Mr. Hadley noted that while approval would be needed from headquarters to finalize the DEIS, for now we can move forward without comments from them if they are not imminently sent. Mr. Hadley mentioned that he spoke with an assistant in the Legal Department of FHWA reviewing the DEIS, and noted there were no fatal flaws found as of that discussion.

Mr. Krane asked John Wrublik if US Fish and Wildlife Service would be submitting any comments. Mr. Wrublik noted that a letter dated February 16, 2011 was sent out and should be received shortly.

Mr. Krane noted that we had not received comments from USCG yet; however in previous conversations they noted that addressing navigation would be their biggest concern. It was determined that Keith and Schnars would attempt to contact USCG to see if they would be submitting any comments.

Mr. Krane asked Mindy Parrot if South Florida Water Management District would be submitting any comments. Ms. Parrot noted that while comments were sent internally there has not been an official response yet. She indicated she would check on the status.

Mr. Krane mentioned that a teleconference was held during the previous week with NMFS and noted that they did not request a formal response to their comments. Mr. Krane summarized the agency's comments noting that most comments were process-related. One comment was related to whether additional widening of the existing bridges could address the project need. NMFS officials also mentioned they would provide official comments once the DEIS is approved and made available for public review.

Mr. Krane noted that a teleconference will be held with FDEP at 2:00 p.m. the next day (February 25, 2011) to review their comments. Also, a review teleconference with Ron Miedema of EPA was being scheduled for the week of February 28th regarding their comments. Mr. Krane mentioned that no comments had been received from USACE yet. Beatriz Caicedo-Maddison said she would follow-up with the agency. Michael Davis noted that personnel changes in the office may be affecting the response time with USACE.

Mr. Krane noted that based on pending receipt of additional comments, submittal of the revised DEIS could occur in April. Approval of the DEIS is still scheduled for April 2011.

Mr. Krane asked Mr. Hadley what would be the next step in the process and would a formal response be expected. Mr. Hadley said that his office is flexible with how the response is sent. However, responding comment by comment would probably be preferred and easier to follow. Mr. Krane asked if a sign-off from each agency would be needed. Mr. Hadley noted that a specific sign-off would not be needed.

Public Hearing – Mr. Krane said that the Public Hearing is pending the FHWA's approval of the DEIS, but will probably be held in late spring. Jerry Bentrott asked if we would be able to lock down a date now for the Public Hearing. Mr. Krane said that it would be difficult to schedule before we've received all the comments.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – February 24, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

VE Meeting – Mr. Krane noted that the VE Meeting will follow the Public Hearing.

Follow-Up Items from Last Month

Mr. Krane noted that a teleconference was held with NMFS on January 30, 2011 to discuss their comments.

A presentation was made at the City of Port St. Lucie Council Retreat on February 17, 2011, with Mr. Davis and Mr. Mirson presenting. Patricia Roebling said that the presentation went well and was well received. She also asked that the presentation be placed on the project's website. Mr. Krane said that a PDF version of the presentation will be put on the website.

Open Discussion

Mr. Davis thanked all of the agencies that have submitted comments at this point.

Lauren Milligan asked if CAMA staff would be on the teleconference tomorrow. Mr. Krane said that they would be on the call.

Advance Permitting/Mitigation Efforts

Brian Mirson stated that none of the comments affected the representative corridor which was used to develop the proposed mitigation plan. Anna Peterfreund said that pre-application meeting for the Proprietary and Regulatory Mitigation was set for March 30, 2011 with SFWMD and the USACE.

Ms. Roebling asked where we were on the Conceptual ERP. Mr. Mirson indicated that it is currently on hold pending agreement on mangrove mitigation. Ms. Parrot noted that nothing unusual or surprising should occur from here on out. She suggested that the City hold off on responding to the last RAI until all answers were available and until we have a selected alignment. The permit can be put on HOLD status until then. Mr. Mirson would follow-up/confirm the conceptual ERP HOLD status.

Next Team Meeting

Mr. Krane announced that the next Working Group Meeting will be held on March 17, 2011 at 2:00 p.m.

Follow-Up Items for Next Month

- Mr. Hadley noted that he would advise if any additional comments were forthcoming
- A teleconference will be held with FDEP to discuss comments
- Schedule a teleconference with EPA during the week of February 28th to review comments
- FDOT will follow up with USACE to regarding their comments
- K&S will follow up with USCG regarding their comments

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – January 20, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrott, City Manager – City of Port St. Lucie
Patricia Roebling, P.E., City Engineer – City of Port St. Lucie
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
Gerry O'Reilly, P.E. – Florida Department of Transportation
Morteza Alian, P.E. – Florida Department of Transportation
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Brian Mirson, P.E. – American Consulting Engineers of Florida, LLC
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.

Attendees by Telephone:

Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Azlina Goldstein Siegel, Assistant City Attorney – City of Port St. Lucie
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie
Kim Graham, P.E., Acting Assistant City Engineer – City of Port St. Lucie
Lauren Milligan – Florida Department of Environmental Protection
Laura Herren – Florida Department of Environmental Protection
Tom Butler – FDEP Division of State Lands
Brandon Howard – National Marine Fisheries Service
Ann Broadwell – Florida Department of Transportation/D4 PL&EM
Susan Day – Florida Department of Transportation/D4 Right of Way
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Mindy Parrott – South Florida Water Management District
Brian Barnett – Florida Fish and Wildlife Conservation Commission (URS)

Introductions

Introductions were made over the phone and in the room, and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the October meeting and the Draft Meeting Minutes from the November meeting. Mr. Krane asked if anyone present in the meeting or on the phone had any comments or changes to the minutes. There were no changes and Mr. Krane noted that the minutes will be finalized and sent out to everyone.

Schedule Review

Mr. Krane noted that the DEIS along with the Technical Reports were delivered to FHWA and the Cooperating Agencies on December 13, 2010. The DEIS and Technical Reports were also sent to FDEP, FWC and SFWMD at that time. Mr. Krane stated that a presentation on the DEIS, was given to FHWA on December 16, 2010. He noted that the presentation went well and that FHWA was thankful for the opportunity to learn more about the project before reviewing the documents. Patricia Roebling thanked all those responsible for helping to reach this milestone in the process, and acknowledged all of the hard work that went into getting to this point.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – January 20, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Mr. Krane noted that the anticipated 30-day review of the DEIS, had ended around January 14, 2011. Mr. Krane mentioned that comments had been received from FDEP on January 10th, NMFS on January 12th and EPA on January 19th. Beatriz Caicedo-Maddison stated that she spoke with FHWA earlier in the day and learned that FHWA had not yet provided any comments from their review.

Brian Barnett noted that a letter dated January 11, 2011, was sent to FDOT that stated they were pleased with the document and everyone that reviewed it thought it was very well done. He also mentioned that they may submit comments later on the alignments.

Mindy Parrott stated that she would provide preliminary comments in the next few days and that a formal review from SFWMD would occur when the document is distributed through the State Clearinghouse.

Mr. Krane asked Ms. Caicedo-Maddison to contact the agencies that had yet to submit comments (FHWA, USACE, USCG and USFWS) for an update on when they can be expected. Mr. Krane noted that formal revisions to the DEIS would start only after all of the comments have been received, in an effort to address any potential conflicting responses.

Ms. Roebeling asked if we could start addressing comments sooner. Mr. Krane noted that K&S has already begun to look at how the comments can be addressed and that some of the comments will require discussion and conference calls to the agencies in coordination with FDOT. Mr. Krane mentioned that with the help of Ms. Caicedo-Maddison and FDOT, we would begin next week to schedule teleconferences or meetings with the agencies that have submitted comments to ensure our understanding of their comments and how to address them. Ms. Caicedo-Maddison suggested developing a draft of how each of the comments will be addressed and obtain concurrence with the proposed approach.

Public Hearing – Mr. Krane said that the Public Hearing is pending the FHWA's approval of the DEIS.

VE Meeting – Mr. Krane noted that the VE Meeting will follow the Public Hearing.

Brian Mirson suggested providing the new FDEP Secretary with a schedule of upcoming events for the project. Mr. Krane noted that the schedule is still tentative and highly dependent on the level of comments received, and that at this time only a briefing may be necessary. Lauren Milligan suggested that neither a meeting nor schedule may be needed at this time. She noted that the Deputy Secretary Bob Ballard as well as most of the FDEP staff reviewing this project are still in place and have knowledge of the project. The FDEP Secretary can rely on staff for updates.

Follow-Up Items from Last Month

Mr. Krane noted that the agencies were contacted to confirm that the DEIS and Technical Reports were delivered. Mr. Krane also mentioned the DEIS presentation given in Tallahassee, on December 16, 2010.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – January 20, 2011
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Open Discussion

Ms. Roebling committed the City's continued support and assistance in moving the project along. Ms. Roberta Richards asked if there should be follow-up with FHWA, since they had not submitted any comments and were not on the call. Ms. Caicedo-Maddison noted that there would be follow-up with FHWA, as well as the other agencies that had not submitted comments yet.

Advance Permitting/Mitigation Efforts

Brian Mirson indicated that plans for the Proprietary Mitigation are presently being refined and should be finished in a few months. Mr. Mirson also mentioned that the Evans property has been purchased by the City, and the Wynne property is still in negotiation.

Mr. Mirson noted that the Regulatory Mitigation progress is also on track, and that responses to agency questions are being prepared.

Susan Day noted that caution should be used when moving forward and dealing with the Wynne property to ensure that the federal process is followed. Azlina Goldstein-Siegel mentioned that the City is aware of the need to follow the process, and that she would contact Ms. Day to further discuss the specifics of the Wynne property negotiations.

Next Team Meeting

Mr. Krane announced that the next Working Group Meeting will be held on February 24, 2011 at 2:00 p.m., the 4th Thursday of the month, instead of the 3rd Thursday.

Follow-Up Items for Next Month

- Schedule teleconferences with agencies to discuss comments received for the DEIS
- Follow up with all agencies who have not submitted comments for a schedule

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

**Final Meeting Minutes
Crosstown Parkway Extension EIS
Regulatory Agency Mitigation Meeting
November 18, 2010
Approximately 2:30 p.m. to 3:30 p.m.
FDOT West Palm Beach Operations Center**

Purpose: Regulatory Team Meeting to discuss the status of the regulatory and proprietary mitigation for the Crosstown Parkway Extension.

Attendees:

Jerry Bentrutt, City Manager – City of Port St. Lucie
Patricia Roebing, P.E., City Engineer - City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations - City of Port St. Lucie
Roxanne Chessner, P.E., Engineering – City of Port St. Lucie
Kim Graham, P.E., Acting Assistant City Engineer – City of Port St. Lucie
Azlina Goldstein – Siegel, Assistant City Attorney – City of Port St. Lucie
John Wrublik, US Fish and Wildlife Service (USFWS)
Brandon Howard, National Marine Fisheries Service (NMFS)
Garett Lips – US Army Corps of Engineers (USACE)
Morteza Alian, P.E. – Florida Department of Transportation (FDOT)
Beatriz Caicedo-Maddison, FDOT
Shandra Davis – FDOT
Ann Broadwell – FDOT
Scott Ornitz – FDOT
Brian Mirson, P.E. American Consulting Engineers of Florida, LLC (ACE)
Anna Peterfreund – ACE
John Krane, Keith and Schnars, P.A. (K&S)
Kristine Stewart, (K&S)
Harry Fulwood, Jr., (K&S)
Paul Cherry, P.E. Kimley-Horn and Associates, Inc. (KHA)

Attendees by Telephone:

Lauren Milligan – Florida Department of Environmental Protection (FDEP)
Tom Butler – FDEP
Susan Day - FDOT
Ron Miedema – US Environmental Protection Agency (USEPA)
Mindy Parrott, South Florida Water Management District (SFWMD)
Hugo Carter – SFWMD
Vicki Sharpe – Central Environmental Management Office, FDOT
Terry Gilbert – URS for Florida Fish and Wildlife Conservation Commission (FWC)
Lynn Kiefer – KHA

This meeting was held immediately following the November Team Meeting. Ann Broadwell made introductory remarks and thanked everyone for attending. The EIS team had reached a point where they

have worked through all the questions of mitigation for both the impacts to state lands (proprietary mitigation) as well as regulatory mitigation for impacts to wetlands and water quality. The NEPA documentation and Permit Application coordination has been on-going and it is the appropriate time to bring the two together. The mitigation package that has been developed addresses the issues raised in ETDM. The project is still evaluating six build alternatives and the permit application looked at the worst case impact from all six alternatives.

Following the introductory remarks, Brian Mirson and Anna Peterfreund went through a power point presentation (copy attached) describing the Conceptual ERP process which looked at a hybrid corridor of the worst case impacts for each resource (e.g. state lands, floodplains, wetlands, and sovereignty lands) and the status of the permit and negotiations with FDEP State Lands and South Florida Water Management District (SFWMD). The Proprietary Mitigation Plan was presented first. The City and FDEP have signed a Memorandum of Understanding (MOU) and agreed to the proprietary mitigation plan to compensate for impacts to state lands in exchange for an easement should a build alternative emerge from the EIS. The following is a brief summary of the mitigation presented:

- City will purchase and convey to FDEP approximately 110 acres of land along the North Fork St. Lucie River that is on the FDEP's priority list for acquisition (Evans and Wynne properties).
- Exotics will be removed from the property and funding will be provided for maintenance for 5 years.
- Four restoration projects (oxbow reconnections) will be implemented to improve water quality
- City will design, permit and construct the Savannas County Park Trail
- The City will relocate and enhance the Halpatiokee Canoe launch, improve the existing education center at the Savannas Preserve State Park (SPSP) and improve SPSP Canoe/Kayak Launch

The next steps include design and permitting of the mitigation projects and finalizing negotiations on the possible mitigation properties identified in the MOU.

Following the proprietary mitigation discussion, the proposed regulatory mitigation plan was presented. The following is a brief discussion of the regulatory mitigation. UMAMs for direct impacts and secondary impact methodologies were previously conducted and approved by SFWMD in multi-agency meetings. USACE, NMFS and USEPA participated in these meetings. The regulatory mitigation will include completion of the Platt's Creek Restoration Project. Platt's Creek is approximately 82 acres owned by the County and was permitted through SFWMD as a mitigation bank. The USACE banking permit was not finalized. A Memorandum of Agreement has been signed between the City and County and half the credits (41 credits) from this restoration project will go toward compensating impacts for Crosstown Parkway. The remaining credits would be available for the County's use. Platt's Creek does not provide for mangrove mitigation. Impacts to mangroves will be mitigated by purchasing credits at the Bear Creek Mitigation Bank.

Wildlife and listed species mitigation was discussed and included the following:

- Gopher tortoises will be relocated to an approved bank.
- Wildlife fencing will be provided along roadway portions
- Standard precautions for West Indian manatee and Eastern indigo snake will be implemented during construction.
- Stormwater runoff will be collected on the bridge and routed to proposed stormwater ponds

The next steps for the regulatory mitigation include obtaining approval of the conceptual regulatory mitigation plan from SFWMD, USACE, and FHWA and design and permitting of Platt's Creek.

The following is a summary of the discussion during and following the presentation.

John Wrublik asked if the impact acreages presented were by each alternative and it was confirmed that was the case.

Ann Broadwell clarified that the proprietary and regulatory mitigation plans are separate and do not "double dip" on the mitigation. Ann also asked if the water quality improvements would have to be permitted and it was confirmed that yes they would need to be permitted as well. Anna Peterfreund indicated that ACE is currently working on data collection for these water quality projects, which includes one year of water quality and biological monitoring.

Brandon Howard commented that if the mitigation projects impacted resources, those impacts will have to be mitigated too.

John Wrublik asked if the City was required to set up perpetual management plan and funding for the lands acquired and donated to FDEP. Brian explained that the City is required to fund the initial exotic removal and five years of maintenance. John asked whether there was a requirement for a continual funding source in perpetuity. Brian explained further that the FDEP negotiated additional acreage for acquisition. Through negotiations the acquisition went from 55 to 110 acres. Because FDEP is managing all the other lands around the acquisition parcels, FDEP would include these in their overall management and funding would only be required for 5 years. Anna pointed out that in addition, FDEP gave credit for increasing opportunities for public access for recreation.

John Wrublik asked how many credits will be used for the Crosstown Parkway Extension. The initial discussions with SFWMD indicated that 50% of the credits will be sufficient.

Garett Lips asked about impacts associated with other things such as ponds. Anna clarified that the impacts are worse case for the road and ponds. But the ponds had been sited to avoid impacts to wetlands to the extent practicable.

John Wrublik commented that during the scoping meeting bus tour he remembered that for those lands outside of state lands there were numerous residences. Mr. Wrublik indicated that the alternatives that do not impact state lands seem to involve condemning a lot of homes. Beatriz commented that the homes would be acquired in accordance with the Uniform Act (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) and mitigation would be provided. Paul Cherry commented that they would try to negotiate per the Act with the home or business owner, but if they could not reach agreement, they would be acquired under Eminent Domain.

Garett Lips asked how many residences had been acquired already. Approximately 49 had been acquired but these were acquisitions along the initially proposed route (generally Alternative 1C).

Brandon Howard asked about the status of the Platt's Creek permit application. Anna indicated that they had just started data collection and have not filed the application.

Brandon Howard asked USACE if they can approve the mitigation permit prior to the bridge permit and whether this was pre-decisional. Garrett indicated that they could permit Platt's Creek and Anna indicated that Platt's Creek could be used for other projects if not used for Crosstown Parkway. Brandon expressed concern that the permitting of the mitigation for Crosstown assumes that the project is past the avoidance and minimization process required by Section 404 of the Clean Water Act. Paul Cherry indicated that it would be the City's desire to have a preferred build alternative come out of the public hearing along with the No Build and then move forward with design and permitting. It was mentioned that the independent utility of the mitigation would need to be considered. It was reiterated that Platt's Creek could be used for other projects.

John Wrublik asked if USACE would be utilizing the Mitigation Banking Review Team for the review of the Platt's Creek application. Garrett indicated that they are working through how the USACE will evaluate and permit the Platt's Creek application because it is not going to be a mitigation bank.

Ann Broadwell summarized that during the agency review of the DEIS, the agencies should take into consideration this proprietary mitigation plan to off-set the impacts to state lands because that was the issue that was brought up in ETDM.

Garrett Lips asked if the SPSP education center improvements was moving forward with permits and who would be the applicant. It was confirmed that the applications are moving forward and the applicant would be the City and FDEP.

John Wrublik asked when the ETAT would see the DEIS. John Krane explained that the current schedule is to submit the DEIS to FHWA the first part of December and that FHWA had agreed to concurrent reviews with the cooperating agencies. Vicki Sharpe commented that the FHWA had agreed to concurrent reviews on the DEIS for the cooperating agencies, but not the participating agencies. Vicki Sharpe also asked if EPA had responded formerly in ETDM that they were a cooperating agency. Ron Miedema confirmed that EPA had responded formerly in ETDM.

Ann Broadwell commented about the impacts shown in the mitigation presentation and whether the "water column" should be included as Essential Fish Habitat (EFH). Brandon Howard indicated it is EFH but is not called out in any Fisheries Management Plans so it is not mitigated for.


Ann commented that the environmental technical reports would be sent out for concurrence. She further indicated that extensive reviews have been done over the last 6 months on this preliminary draft EIS so the agencies will see a comprehensive document. Garrett asked about who would send consultation letters. Ann Broadwell indicated that FDOT will coordinate that with the City and determine that prior to submittal.

Beatriz indicated that the DEIS is a preliminary draft because FHWA has not reviewed the document. We want the cooperating agencies to review and comment on any major fatal flaws that would stop their agency from signing the Record of Decision. The City will address the agency and FHWA comments and then schedule the Public Hearing. A preferred build alternative would be selected after the Public Hearing and presented in the FEIS along with the No Build Alternative.

Garett asked about the timing of the Platt's Creek application. The application will be submitted in approximately 3 months. It was stated that the impacts to wood storks would need to be evaluated for both the project and the mitigation.

Terry Gilbert asked when the participating agencies would see the draft EIS. It was stated that the document would be sent to the participating agencies following the first review by FHWA and the cooperating agencies. There was some question as to whether FHWA would allow the participating agencies to receive the preliminary DEIS concurrent with FHWA and cooperating agency review. Beatriz indicated she would follow up with George Hadley, FHWA, and confirm when the participating agencies could receive the document.

This summary serves to document the meeting. If anyone wishes to modify or append to this account, please contact Lynn Kiefer either by phone 772-794-4075 or by email at Lynn.kiefer@kimley-Horn.com

Submitted by: 
Lynn Kiefer

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – November 18, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrrott, City Manager – City of Port St. Lucie
Patricia Roebling, P.E., City Engineer – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie
Kim Graham, P.E., Acting Assistant City Engineer – City of Port St. Lucie
Azlina Goldstein-Siegel, Assistant City Attorney – City of Port St. Lucie
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
John Wrublik – US Fish and Wildlife Service
Brandon Howard – US National Marine Fisheries
Garett Lips – US Army Corps of Engineers
Morteza Alian, P.E. – Florida Department of Transportation
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Shandra Davis - Florida Department of Transportation
Ann Broadwell - Florida Department of Transportation
Scott Ornitz – Florida Department of Transportation
Brian Mirson, P.E. – American Consulting Engineers of Florida, LLC
Anna Peterfreund – American Consulting Engineers of Florida, LLC
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Kristine Stewart – Keith and Schnars, P. A.

Attendees by Telephone:

Lauren Milligan – Florida Department of Environmental Protection
Tom Butler – FDEP Division of State Lands
Susan Day – Florida Department of Transportation/Right of Way
Terry Gilbert – Florida Fish and Wildlife Conservation Commission
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Hugo Carter – South Florida Water Management District
Mindy Parrott – South Florida Water Management District
Ron Miedema – US Environmental Protection Agency

Introductions

Introductions were made over the phone and in the room and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the September meeting and the Draft Meeting Minutes from the October meeting. Mr. Krane asked if anyone present in the meeting or on the phone had any comments or changes to the minutes. There were no changes and Mr. Krane noted that the minutes will be finalized and sent out to everyone.

Schedule Review

Mr. Krane noted that coordination with CEMO had been ongoing and that the final comments have been received. Mr. Krane stated during this week and next week we will be working on the

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – November 18, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

revisions to the DEIS, with production to take place the first week of December. Mr. Krane stated that when the DEIS is delivered to FHWA, a meeting and presentation will be held with that agency to go through the document. Mr. Krane said that there would probably be someone present in the meeting from FDOT District 4, Keith and Schnars and from the City.

Mr. Krane noted that a 30-day review of the DEIS has been requested. Mr. Krane added that the DEIS will most likely be resubmitted in January 2011 and that coordination with FHWA will be ongoing to facilitate this.

Ms. Beatriz Caicedo-Maddison asked if we knew the number of hard copies and/or DVD copies that the FHWA and Cooperating Agencies had requested to receive. Mr. Krane noted that the FHWA and Cooperating Agencies have been polled and the requested number of the DEIS will be sent to them.

Ms. Caicedo-Maddison stated that a transmittal letter will need to be drafted for Gus Schmidt, to be sent along with the DEIS when sent to FHWA and the Cooperating Agencies.

Follow-Up Items from Last Month

Mr. Krane discussed that coordination with CEMO and FDOT District 4 will continue throughout the DEIS process.

Open Discussion

Ms. Caicedo-Maddison mentioned that once the Noise Report has been completed, FDOT District 4 will need to perform a review as soon as possible.

Ann Broadwell noted that coordination will have to take place with Jorge Padron for preparation of the Public Hearing. Mr. Krane said that coordination would take place in the early part of next year.

Advance Permitting/Mitigation Efforts

Brian Mirson indicated that the RAI had been received and will be submitted month. Mindy Parrot asked how much of an extension would be needed. Mr. Mirson noted that it hasn't been determined yet and they still need a resolution on the Mangroves.

Next Team Meeting

Mr. Krane announced that the next Working Group Meeting will be held on December 16, 2010 at 2:00 p.m.

Ms. Caicedo-Maddison asked if we should schedule an in-person group meeting for December or just do a teleconference. Jerry Bentrutt indicated that the meeting could be used to make sure everyone received the DEIS as requested and that there were no issues. It was agreed that for the December group meeting only a teleconference would be held and that an agenda and meeting notice would follow.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – November 18, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Follow-Up Items for Next Month

- Will submit the DEIS prior to next month's group meeting

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – October 21, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrutt, City Manager – City of Port St. Lucie
Patricia Roebling, P.E., City Engineer – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Roxanne Chessner, P.E., Engineering – City of Port St. Lucie
Roger Orr, City Attorney – City of Port St. Lucie
Azlina Goldstein-Siegel, Assistant City Attorney – City of Port St. Lucie
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Morteza Alian, P.E. – Florida Department of Transportation
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Susan Day – Florida Department of Transportation/Right of Way
Brian Mirson, P.E. – American Consulting Engineers of Florida, LLC

Attendees by Telephone:

George Hadley – FHWA Florida Division
Linda Anderson – FHWA Florida Division
Tracey Parker – FHWA Florida Division
Andrea Rogers – FHWA Florida Division
Mark Clasgens – FHWA Florida Division
Ann Broadwell – Florida Department of Transportation
Richard Young – Florida Department of Transportation
Mindy Parrott – South Florida Water Management District
Tom Butler – FDEP Division of State Lands
Ron Miedema – US Environmental Protection Agency
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.

Introductions

Introductions were made over the phone and in the room and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the August meeting and the Draft Meeting Minutes from the September meeting. Mr. Krane asked if anyone present in the meeting or on the phone had any comments or changes to the minutes. There were no changes and Mr. Krane noted that the minutes will be finalized and sent out to everyone.

Schedule Review

Mr. Krane stated that the DEIS and Technical Reports were delivered to FDOT District 4 and CEMO on August 29, 2010. Mr. Krane noted that he, Michael Davis and Kristine Stewart traveled to Tallahassee, and met with CEMO officials to discuss the comments from the DEIS on September 29, 2010. There was also a follow up teleconference held the next day, to further discuss comments. The DEIS is currently undergoing revisions, and coordination with CEMO is

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – October 21, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

ongoing. Mr. Krane noted that follow up teleconferences have been made with CEMO at this point, as well as an exchange of sections of the DEIS with minor changes.

Mr. Krane stated that comments are anticipated to be delivered by the end of next week. Mr. Krane also stated that a 2-week maximum review is anticipated and that many comments are not expected, as the exchange of DEIS sections would be helpful in the final submittal.

Mr. Krane asked FDOT District 4 officials if 2 weeks would be enough time to review the DEIS after the latest submittal. Beatriz Caicedo-Maddison stated that this shouldn't be an issue. Paul Cherry asked what format would the DEIS be submitted in for corrections. Mr. Krane noted that the DEIS would be submitted in redline and clean format.

Mr. Krane asked Ms. Caicedo-Maddison if their office would need an electronic copy or hard copy of the DEIS. Ms. Caicedo-Maddison noted that one hard copy would be fine.

Ann Broadwell asked that she be copied on any pre-submittal drafts that are also sent to CEMO. Mr. Krane noted that all drafts sent to CEMO would also be sent to FDOT District 4. Mr. Cherry asked that the City and Kimley-Horn are also copied on any submittals.

Mr. Krane noted that a 2-week review is anticipated from CEMO and that a delivery to FHWA and the Cooperating Agencies will take place in November 2010.

Richard Young noted that NMFS had formerly agreed to being a Cooperating Agency. He had not received a response from Maher Budeir EPA about their being considered a Cooperating Agency. Ron Miedema said that he would contact Mr. Budeir to find out what EPA wants to do and will let us know on Monday. CEMO had previously noted that neither NMFS nor EPA had indicated in EST that they were Cooperating Agencies.

Mr. Krane said comments from the DEIS should be received in December 2010 from FHWA, with the final revised DEIS available in January 2011. Mr. Krane stated that at this point we will be able to determine when we can plan the Public Hearing, depending on the comments received.

Mr. Krane explained that the bullet item on the agenda, entitled 'Coordination with FHWA and FDOT on scheduling the Public Hearing for March 2011', was added to demonstrate the ongoing coordination that will be needed in order to have the Public Hearing as presently scheduled.

Patricia Roebeling asked what was the very latest that a formal announcement of the Public Hearing could be made. Mr. Cherry stated that 21 days prior to the Public Hearing or a few days before then is the normal amount of time needed.

Roberta Richards stated that a room for the Public Hearing has been reserved for three potential dates: March 3, 10 and 30, 2011.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – October 21, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Ms. Roebling noted that we should wait until the first round of comments have been received from FHWA before proceeding with the plans for the Public Hearing. Mr. Krane said that we will be meeting with FDOT District 4 as a liaison to coordinate with FHWA, considering the approval of the DEIS. Ms. Caicedo-Maddison suggested that the March 30, 2011 date should be the targeted Public Hearing date. Mr. Krane noted that FHWA approval of the DEIS is scheduled for February 2011.

George Hadley stated that this DEIS is a prior concurrency and will undergo reviews from both headquarters and Legal Sufficiency office. Mr. Hadley also noted that recent experience with a Florida DEIS revealed that it normally takes 2 or 3 rounds of reviews before it is approved.

Ms. Broadwell asked Mr. Hadley if the Legal Sufficiency office would be able to turn the DEIS around in 2 months. Mr. Hadley noted that presently the Legal Sufficiency office is busy with a heavy workload. If comments are received from headquarters, FHWA will send the District Office and headquarters comments without Legal's comments in order to keep the process moving. But they must have Legal Sufficiency review prior to FEIS.

Mr. Hadley stated that usually Legal is more involved during the Final EIS process. Mr. Hadley also noted that plans for the Public Hearing can carry on without the comments from Legal Sufficiency.

Follow-Up Items from Last Month

Mr. Krane discussed the meeting/teleconference in Tallahassee with CEMO on September 29-30, 2010. Mr. Krane also noted the ongoing coordination with CEMO, FDOT District 4, the City and Kimley-Horn.

Mr. Hadley noted that around the time for public availability of the DEIS, we need to show coordination and comments from the Cooperating Agencies. Mr. Hadley suggested sending a letter attachment with any important issues and how we've addressed their comments. Mr. Krane noted that agency comments will be part of the administrative record.

Advance Permitting/Mitigation Efforts

Brian Mirson indicated that ACE had responded to the RAI and provided a copy of the MOA and MOU. The scoping and data collection for the mitigation is underway. They are targeting the timing of the mitigation permits to coincide with issuance of the ROD. The City is working on the Evans parcel acquisition and water quality monitoring is on-going in preparation for the water quality improvement projects. Monitoring and assessments for Platt's Creek are underway.

Mr. Mirson indicated that they may suspend the conceptual permit for now and then covert it to a construction ERP at some point.

Mindy Parrot mentioned that instead of responding to comments, a request for an extension could be made. Ms. Broadwell asked if we could request a non-date. Ms. Parrot said that we could request a non-date as long as we're in agreement with the district.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – October 21, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Mr. Krane mentioned to Ms. Broadwell, that he noticed there was a cancellation sent out on a previously scheduled meeting with John Wrublik. Ms. Broadwell noted that she was able to reschedule the meeting for November 18, 2010, to discuss mitigation and working towards addressing the use of public lands.

Mr. Krane noted that we would coordinate with ACE prior to the meeting. Mr. Mirson noted that all of the display information is available electronically and has been shared with Keith and Schnars and Kimley-Horn.

Mr. Krane noted that we can include more time at the end of next month's group meeting to discuss this. Ms. Broadwell mentioned that now is the time to demonstrate that we have brought into the NEPA document discussions with Federal Agencies.

Ms. Broadwell stated that Mr. Wrublik is scheduled to be in attendance to the November 18, 2010 Group Meeting.

Ms. Richards asked that in the future the City is included on all meeting notices. Ms. Caicedo-Maddison stated that the meeting to discuss mitigation and working towards addressing the use of public lands should be held after next month's meeting instead of during. Mr. Krane agreed and stated that the meeting will be held after the group meeting along with a separate meeting notice and meeting minutes.

Lynn Kiefer suggested also including EPA and other agencies in this meeting, and that graphics should be sent to those who can't attend in person. Ms. Broadwell indicated that Mr. Wrublik asked that NMFS and USACE also be in attendance. Mr. Mirson stated that Use of Public Lands for Transportation Use, might not be the correct term to use. Ms. Caicedo-Maddison said that we need to be more careful what we call them so as not to confuse the two. Mr. Krane mentioned that shouldn't be an issue going forward.

Next Team Meeting

Mr. Krane announced that the next Working Group Meeting will be held on November 18, 2010 at 2:00 p.m.

Follow-Up Items for Next Month

- Will schedule a meeting after next month's group meeting to discuss mitigation and working towards addressing the use of public lands

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.



RECORD OF TELEPHONE CONVERSATION

Crosstown Parkway Extension PD&E Study/EIS
K&S Project No. 17125.11

Date: October 6, 2010

Time: 10:30 am

Call Initiated by: Kristine Stewart, Keith and Schnars

Call Recipient: Paul Rice, FDEP, Bureau Chief,
District 5, Florida Division of Recreation and
Parks

Participants:

FDEP

Paul Rice

(772)546-0900

Keith and Schnars

Kristine Stewart

Background:

On October 6, 2010, Kristine Stewart spoke to Paul Rice regarding the potential impact on the Halpatiokee Canoe and Nature Trail. The purpose of the call was to obtain information about the project's impact on the facility for Section 4(f) purposes.

Discussion:

Ms. Stewart stated the purpose of the call was to coordinate with FDEP regarding the Section 4(f) evaluation. As defined in Section 4(f), Halpatiokee is a public facility. It is the only public facility in this portion of the Savannas Preserve State Park (west of US 1) and one access point to the NFSLR Aquatic Preserve. Ms. Stewart was seeking comments regarding the potential impact of Alternative 1C and the potential relocation of the facility under the proposed mitigation plan.

Mr. Rice stated that the Halpatiokee relocation is part of a Memorandum of Understanding (MOU) between the FDEP and the City as part of the proposed mitigation plan. If Alternative 1C is selected, the current facility would be abandoned because the current access road would be too close to the new road. If any other alternative is selected, the current facility would remain open and would be maintained but used for hikers and birders, especially to access Hogpen Slough. It would not be promoted as a canoe launch. Currently, the canoe trail is long and often muddy and only canoeists who can attach wheels to the canoe use the trail to access the launch.

Mr. Rice anticipates that the new relocated facility immediately adjacent to Evans Creek would be more usable and would be extremely popular with canoeists and kayakers, especially for groups. The parking area is designed with 26 spaces and spaces for canoe trailers but may not be able to handle

Record of Telephone Conversation

Paul Rice, FDEP

October 6, 2010

Page 2

both birders and canoeists on weekends/holidays. FDEP's preference is to have both areas for birders and hikers so that the current facility could be used more by hikers and birders, although FDEP is realistic and knows that the current facility might be unavailable if Alternative 1C is selected.

Ms. Stewart asked if there had been any plans to improve the existing facility. Mr. Rice said that the FDEP had informal discussions at the staff level to improve the facility with a boardwalk and restrooms but no public input process has been undertaken for approval by the Acquisition and Restoration Council.

Mr. Rice mentioned the proposed educational improvements at the Savannas Preserve State Park Visitors Center that are contained in the MOU. The existing classrooms and program time are completely booked for the year. The additional wet labs and classrooms proposed in the mitigation plan would be well used.

Submitted by:

Kristine Stewart

Keith and Schnars, P.A.



American Consulting Professionals, LLC
American Consulting Engineers of Florida, LLC
2818 Cypress Ridge Blvd, Suite 200
Wesley Chapel, Florida 33544
Tel 813.435.2600 • Fax 813.435.2601
american@acp-fl.com • www.acp-americas.com

MEETING MINUTES

Meeting Date: 10/5/2010 **Date Issued:** 10/15/2010
Location: FDEP District 5 Recreation and Parks Office
Project Name: Proprietary Mitigation Projects
Purpose: Discuss Alternatives for Savannas Education Center and Halpatiokee Canoe Launch
Notes by: Chris Salicco **American Project #:** 5109648
Copies to: Attendees, Anna Peterfreund, Albert Gregory, Chris Vandello, Kevin Jones, Parks Small, Phil Wemdl

<u>Attendees</u>	<u>Representing</u>	<u>Phone</u>	<u>Fax or e-mail</u>
Chris Salicco	American Consulting	813-435-2617	csalicco@acp-fl.com
Dan Griffin	Savannas – FDEP	772-340-7530	Daniel.griffin@dep.state.fl.us
Tessa Sheridan	Savannas – FDEP	772-398-2779	tessa.sheridan@dep.state.fl.us
Roxanne Chesser	City of PSL	772-871-5186	roxannec@cityofpsl.com
Karl Baker	LPA Group	561-686-5130	kpbaker@lpagroup.com
Fernando Prieto	LPA Group	561-686-5130	fprieto@lpagroup.com
Ernest Cowan	District 5 Admin	772-546-0900	ernest.cowan@dep.state.fl.us
Paul Rice	District 5 Admin	772-546-0900	paul.rice@dep.state.fl.us
On Phone:			
Patricia Roebling	City of PSL	772-871-5174	patr@cityofpsl.com
Daniel Intriago	American Consulting	813-435-2626	dintriago@acp-fl.com
Scott Cannard	Bureau of Design and Construction		scott.cannard@dep.state.fl.us
Richard Reinert	Bureau of Design and Construction		Richard.reinert@dep.state.fl.us
Brant Chaisson	Bureau of Design and Construction		brant.chaisson@dep.state.fl.us
Lew Scruggs	Office of Park Planning		lewis.scruggs@dep.state.fl.us
Sine Murray	Office of Park Planning		sine.murray@dep.state.fl.us

The following notes reflect our understanding of the discussions and decisions made at this meeting. If you have any questions, additions or comments, please contact us at the above address. We will consider the minutes to be accurate unless written notice is received within 10 working days of the date issued.

This meeting was held to discuss the Savannas Education Center/Halpatiokee Canoe Launch recreation projects that are being used as proprietary mitigation for the City of Port St. Lucie. The meeting started shortly after 9:30 am.

The meeting started with introductions from attendees and staff that were on the phone. The first topic was the Savannas Education/Visitor Center expansion. LPA provided plans for their proposed options. One of the concerns from Paul was the long roof line that would be created along the north/west side of the building. The Bureau of Design and Construction (BDC) had also prepared some alternatives/options. The main focus was on Option A-1 that was provided by the BDC. This alternative places the addition to the north/west of the existing facility where the existing trail comes off the parking lot. Fernando wanted to see if it was preferred that a separate entrance be provided to the new addition. It was determined that a new entrance (including ADA accessibility) be included on the addition near the area of the existing trail. Paul would like to have a concrete walkway to the side

entrance then continue this walkway down the trail to a small boardwalk prior to reaching the proposed observation platform/deck. Tessa posed a concern with LPA's Option 1 that it restricts the view to the Savanna. Concerns were raised regarding the cost of the BDC's Option A-1. It was mentioned that tying the roof lines together may increase the price. LPA provided an approximate cost for their proposed options: Option 1 - \$515,000 and Option 2 - \$675,000.

The next portion of the discussion was about the parking facilities for the education/visitor center. The consensus was to try and avoid the additional parking spaces to the south that were shown in American's handout on Alternative Option 1B. The parking layout in Alternative Option 1A was preferred. Dan mentioned that there is a City easement running just north of Walton Rd and the additional parking spaces to the south may infringe on this easement. Fernando and Carl mentioned that there may be a requirement to add 5 new parking spaces for every 1,000 sq ft of facility. Tessa wants to consider using the existing gravel/grassed area near the entrance as additional parking. It was also discussed maybe just putting in grassed parking to the south as opposed to actually paving this area. Fernando mentioned that there is a landscape requirement for parking lots that requires an island for every ten (10) parking spaces, but Paul mentioned the DEP may be able to work something out since this is a park facility.

The last discussion concerning the education/visitor center was about details associated with amenities located on the interior. Tessa and Dan estimated approximately 6-8 sinks will be needed within the learning center/lab. There was discussion of potential drop-drop down electric outlets similar to that at McArthur Beach State Park's new lab. There was also discussion of including a vent system for the lab area for use during experiments using any particular chemicals. Vinyl tile flooring will likely be used throughout the addition, since something that is durable and easy to maintain is needed. DEP wants the facility to include a drop-down projection screen at the end of the learning center. There will be cabinetry and counter space throughout. Windows must be included on the facility based on a light requirement that Fernando had mentioned. These will be functional windows that can be used as needed. Paul, Dan and Tessa were going to discuss the specifics for the interior and mark up the updated plan that Karl is providing. These markups will be provided for Karl to include in the schematic and also to include as part of the cost estimate. The overall budget will be a deciding factor in many of the options that are ultimately chosen for the education/visitor center as well as the canoe launch.

Karl and Fernando departed once discussions of the education/visitor center were complete.

Next, the discussion shifted to the Halpatokee canoe launch. The first thing noted by Paul and Sine was to add a medium-sized picnic pavilion (accommodate 2 picnic tables). The location would be near the restroom facility with ADA accessibility. Paul mentioned that all alternatives are located near an eagles nest. It is documented that the eagles nest has not been active in recent years. I mentioned that I would look into this further and use the FWC Eagle Nest locator to see if there is more information. The discussion focused on Alternative Option 2 and it was decided that the parking lot facility should be located further to the south to avoid more impacts to undisturbed areas. The overall layout would be flipped and slightly rotated – ADA spaces moved to the north, the restroom moved to the south and the shared use path located near the NW edge of the parking lot. The pavilion should be located somewhere near the path and the restrooms.

The preliminary cost estimates for each alternative were provided to those that were in attendance. It was explained how each alternative has a base cost, and then multiple options, mainly based on water and sanitary supply options. It was noted that the preference is to provide full water and sanitary to the facility. It was also agreed that the DEP does not want to see septic, especially with the proximity to the river. It was explained that the highest cost would be to provide full water and sanitary with a large reduction for using septic or compost for the restroom facilities.

Scott Cannard mentioned that the roads are primarily tangent sections and do not provide much curvature which is not consistent with what is usually done within their parks. It was explained that the road for Alternative Option 2 was laid out to follow the existing fire break and avoid/minimize any impacts to natural areas. Scott also mentioned adding a few trailer spaces for anyone that may have multiple canoes/kayaks, which may include DEP staff. Trailer parking spots will be added to the conceptual design. The next item discussed was the AT&T building that exists along the current fire break. This building may need to be relocated, and Paul mentioned that we could also consider relocating the road around it if that is more cost effective. I mentioned that there may also be a concern that the building will no longer be enclosed by fence. Dan didn't think that it was DEP responsibility to fence in the AT&T structure. Sine is going to try and get more information on the easement and see what restrictions/guidelines were set. She will report this information to the group. I raised the question of the number of users at the existing launch. Dan stated that they have no actual counts for the existing launch. It was also mentioned that the new facility will not reflect the use of the existing, since it will provide much better access to the river. This new facility will replace the existing Halpatickee Canoe Launch that has poor access to the river. DEP stated the new launch should have greater traffic and public use than the existing facility since the access to the river will be greatly improved. Sine also mentioned that they could do a rough estimate of potential users based on the carrying capacity guidelines. Since there are only 20 spaces and most people will spend extended periods of time on the river, it is not expected to be more than 40 vehicles per day (one turn over of vehicles). Ernie performed a field review with one of the DEP biologists and it is recommended to stay within the existing disturbed areas. I asked the City about any potential funding or plans to clean out the Hog Pen Slough, as would be required for Alternative Option 1. Roxanne and Patricia stated that the only planned clean up of the Hog Pen Slough was to occur east of US 1 and it is part of a County project. Paul mentioned that there are also concerns of water depth in the slough throughout the year that may not make Alternative Option 1 feasible. Overall, the DEP prefers Alternative Option 2 (using the fire break) for the canoe launch. This alternative has the lowest impact to natural habitat as well as providing the best access to the river.

The meeting ended at 11:30 am.

MEETING MINUTES

Meeting Date: September 21, 2010 **Date Issued:** September 22, 2010
Location: Conference Call
Project Name: Crosstown Parkway Extension
Purpose: Mangrove mitigation
Notes by: Anna Peterfreund **American Project #:** 5079986
Copies to: All attendees; Larry Weatherby; Chris Salicco

<u>Attendees</u>	<u>Representing</u>	<u>Phone</u>	<u>Fax or e-mail</u>
John Wrublik	USFWS	772-562-3909, x-282	John_Wrublik@fws.gov
Kristine Stewart	Keith and Schnars	(954) 776-1616	kstewart@keithandschnars.com
John Krane	Keith and Schnars	954-776-1616	jkrane@keithandschnars.com
Harry Fulwood	Keith and Schnars	954-776-1616	hfulwood@keithandschnars.com
Mindy Parrot	SFWMD	(772) 223-2600 x3608	mparrott@sfwmd.gov
Garett Lips	USACE	561-472-3519	Garett.G.Lips@usace.army.mil
Lynn Kiefer	Kimley Horn	772-794-4100	lynn.kiefer@kimley-horn.com
Kim Graham	City of PSL	772-871-5177	KimG@cityofpsl.com
Roxanne Chesser	City of PSL	772-871-5176	roxannec@cityofpsl.com
Patricia Roebeling	City of PSL	772.871.5174	patr@cityofpsl.com
Anna Peterfreund	American	706-508-4029	Anna.peterfreund@acp-ga.com
Brian Mirson	American	561-307-0068	bmirson@acp-fl.com

The following notes reflect our understanding of the discussions and decisions made at this meeting. If you have any questions, additions or comments, please contact us at the above address. We will consider the minutes to be accurate unless written notice is received within 10 working days of the date issued.

The meeting started at 9:00 am with introductions.

Anna Peterfreund opened up the meeting by describing the impacts to mangroves (range of 0.16 to 0.27 acres for direct) and potential methods of mitigation. Anna explained that the preference for mitigation for both the City and the SFWMD is to use the Bear Point Mitigation Bank.

John Wrublik and Garrett Lips stated that they were comfortable with mitigation at the mitigation bank. Garrett elaborated that we may need to assess the proximity factor. Anna stated that in an email from Brandon Howard with the NMFS, he stated that he would like to see the proximity factor worksheets for this project as well. In addition, Brandon mentioned that he didn't feel appropriate avoidance and minimization has taken place. Avoidance and minimization will be addressed in detail in the Draft EIS that will be sent to all agencies later this month.

Brian Mirson mentioned that the City would be reserving credits based on the worst case impacts to mangroves.

Anna had previously sent the WRAP for the mangrove impacts to Mindy with the SFWMD. Mindy made some updates and sent the WRAP to Garrett for his review. Garrett stated that he agreed with the numbers in the WRAP and suggested that the WRAP be sent to the USFWS and NMFS for their

concurrence. Anna will send the WRAP and proximity factor worksheets to both USFWS and NMFS for their review.

Patricia asked the group if anyone had an objection if the City went ahead and reserved the credits at the bank at their own risk. There were no objections. The City also mentioned that they could reserve the credits without them being attached to a particular project and could always use in the future towards another project should the No-Build alternative be selected through the EIS.

The meeting ended at approximately 9:30 am.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – September 16, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrrott, City Manager – City of Port St. Lucie
Patricia Roebling, P.E., City Engineer – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie
Azlina Goldstein-Siegel, Assistant City Attorney – City of Port St. Lucie
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
Morteza Alian, P.E. – Florida Department of Transportation
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.

Attendees by Telephone:

Ann Broadwell – Florida Department of Transportation
Anna Peterfreund – American Consulting Engineers of Florida, LLC
Cheryl Balogh - Florida Department of Transportation
Garett Lips – US Army Corps of Engineers
George Hadley – FHWA Florida Division
Hugo Carter – South Florida Water Management District
Kim Graham, P.E., Acting Assistant City Engineer – City of Port St. Lucie
Lauren Milligan – Florida Department of Environmental Protection
Linda Anderson – FHWA Florida Division
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Mindy Parrott – South Florida Water Management District
Susan Day – Florida Department of Transportation

Introductions

Introductions were made over the phone and in the room and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the June meeting and the Draft Meeting Minutes from the August meeting. Mr. Krane asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. George Hadley noted that he was appreciative and agreed with the clarification in last month's minutes that once the DEIS is approved, notice of its availability must be published in the Federal Register for a period of 45 days and that the Public Hearing has to be held sometime within that 45 day period. Mr. Hadley also noted that the noise analysis and report may have to be redone in accordance with the upcoming revisions to Chapter 17 (Noise) of the PD&E Manual Guidance if a Record of Decision (ROD) is not obtained by July 2011.

Schedule Review

Mr. Krane stated that the DEIS and Technical Reports were delivered to FDOT District 4 and CEMO on August 29, 2010. Mr. Krane noted that he and Barry Ehrlich met with FDOT District 4 earlier today to discuss the latest round of comments and responses. Mr. Krane said that FDOT

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – September 16, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

would have more comments, and that meetings will be scheduled next week to discuss them. Currently, several 4 hour meetings are being contemplated for next week. Mr. Krane noted that Beatriz Caicedo-Maddison will be scheduling the meetings.

Ms. Milligan asked if the DEIS will be delivered to the Cooperating Agencies at the end of the month. Mr. Krane noted that the Cooperating Agencies are scheduled to receive the DEIS along with the submittal to FHWA. Lauren Milligan asked what length of time would be given for the review of the DEIS. She noted that 60 days is the norm for a DEIS State Clearinghouse review. Ms. Milligan also mentioned that the review of this DEIS will take longer than 30 days due to its complexity. She added that a 45 day review period by the Clearinghouse to coincide with the 45 day review published in the Federal Register would be appropriate.

Mr. Krane noted that the anticipated delivery for all federal comments is expected by the end of October 2010, with the final revisions submitted to FHWA in November 2010. Approval from FHWA is scheduled for January 2011.

Public Hearing – Mr. Krane said that the Public Hearing is tentatively scheduled for March 2011.

VE Meeting – Mr. Krane noted that the VE Meeting will follow the Public Hearing once the preferred Alternative is selected.

Follow-Up Items from Last Month

Mr. Krane noted that the revised DEIS was submitted on August 27, 2010, followed by a 2-week review and coordination period.

Open Discussion

Patricia Roebling asked if being able to submit the revised DEIS to FHWA by September 30, 2010, was still a realistic goal. Mr. Krane noted that meetings will be scheduled for next week to discuss all the comments and responses for the latest submittal of the DEIS. He also noted that approximately 10% of the total comments are in need of substantial change and will need further discussion. Ms. Roebling stressed the importance of staying on schedule for the March 2011 Public Meeting.

George Hadley noted that a 30-day FHWA review of the DEIS is manageable, and their office should be able to accomplish it. Mr. Hadley said that since this project is a prior concurrence, we may receive comments from both the Legal department and headquarters.

Morteza Alian asked if a 2nd review would be needed for FHWA. Mr. Krane noted that there will be a 2nd review after receiving comments from FHWA. Mr. Krane asked Mr. Hadley if an additional 30 days would be needed for the 2nd review. Mr. Hadley said that it would depend on several factors and that while 30 days is the official review period, they may be able to turn it around quicker.

Ann Broadwell noted that a comment/response sheet would be very helpful in the FHWA review process. Mr. Krane noted that K&S usually submits a redline version and clean version for each

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – September 16, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

submittal of the DEIS. Mr. Hadley noted that an electronic redline version would be helpful in their review process. Mr. Krane stated that we would contact the Cooperating Agencies to make sure a 30-day review would be a sufficient. Mindy Parrot noted that a 30-day review would be sufficient for her agency's review.

Roberta Richards asked how the DEIS would be delivered to FHWA. Mr. Krane noted that the DEIS would be transmitted from FDOT to FHWA, with enough copies for submittal to Legal and headquarters, for distribution.

Anna Peterfreund asked how the list of Cooperating Agencies was developed. Mr. Krane noted that early on this list was discussed and developed with Paul Lampley.

Ms. Peterfreund asked if the analysis for CWA 404(b) (1) guidelines would be included in the DEIS or FEIS. Garrett Lips had requested that this analysis be performed during the DEIS. Mr. Krane noted that the plan is to submit the 404(b)(1) analysis with the permit application after a preferred alternative is selected. This approach was discussed with Mr. Lips.

Advance Permitting/Mitigation Efforts

Ms. Peterfreund noted that the next submittal for the RAI will be on October 4, 2010. There is a meeting scheduled for next Tuesday to discuss the mangroves mitigation, which may need to be included in the DEIS. Mr. Krane noted that this will be added in the FEIS and not the DEIS.

Next Team Meeting

Mr. Krane announced that the next Working Group Meeting will be held on October 21, 2010 at 2:00 p.m.

Follow-Up Items for Next Month

- Meetings are scheduled next week with FDOT District 4, CEMO and the City of Port St. Lucie to discuss the latest round of comments and responses.

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – August 19, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrrott, City Manager – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Kim Graham, P.E., Acting Assistant City Engineer – City of Port St. Lucie
Azlina Goldstein-Siegel, Assistant City Attorney – City of Port St. Lucie
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Morteza Alian, P.E. – Florida Department of Transportation
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.

Attendees by Telephone:

Ann Broadwell – Florida Department of Transportation
Brian Mirson, P.E. – American Consulting Engineers of Florida, LLC
Garett Lips – US Army Corps of Engineers
George Hadley – FHWA Florida Division
Hugo Carter – South Florida Water Management District
Larry Weatherby – American Consulting Engineers of Florida, LLC
Linda Anderson – FHWA Florida Division
Mindy Parrott – South Florida Water Management District
Richard Young – Florida Department of Transportation
Ron Miedema – US Environmental Protection Agency
Susan Day – Florida Department of Transportation
Tom Butler – FDEP Division of State Lands

Introductions

Introductions were made and Barry Ehrlich noted that attached to the day's agenda were the Final Meeting Minutes from the May meeting and the Draft Meeting Minutes from the June meeting. Mr. Ehrlich asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. There were no changes and Mr. Ehrlich noted that the minutes will be finalized and sent out to everyone once complete.

Schedule Review

Mr. Ehrlich stated that the DEIS and Technical Reports were delivered to FDOT District 4 and CEMO on June 30, 2010. A teleconference was conducted on July 29, 2010 with the City, FDOT District 4 and CEMO to review the comments submitted for the DEIS. Mr. Ehrlich noted that comments were received from July 28 until August 6 and that the revisions to the document are currently underway, with an anticipated completion by August 27, 2010.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – August 19, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Mr. Ehrlich noted that the schedule had been updated to accommodate the review process and the events that had to occur prior to holding the Public Hearing. Mr. Ehrlich stated that FDOT District 4 and CEMO have requested an additional 2-week review period for the documents, after the August 27th submittal. An anticipated delivery to FHWA and the cooperating and participating agencies is now set for September 30, 2010, with all federal comments expected by the end of October 2010, and a final submittal to FHWA in November 2010.

The FHWA approval of the DEIS is scheduled for January 2011, with the Public Hearing in March 2011. Paul Cherry noted that with the approval of the DEIS in January 2011, the Public Hearing may be able to be held sooner than March 2011. Beatriz Caicedo-Maddison cautioned that the City should decide on a date and stick with it, if possible. Moving the date later or earlier once it has been announced, could create difficulty for the public planning around the established date.

Public Hearing – Mr. Ehrlich said that the Public Hearing is tentatively scheduled for March 2011. Roberta Richards noted that the Public Hearing should be held on a Tuesday or Thursday for scheduling purposes.

VE Meeting – Mr. Ehrlich noted that the VE Meeting will be scheduled after the Public Hearing is held. Mr. Ehrlich stated that coordination with FDOT District 4 will be important for the preparation of the VE Meeting.

Ann Broadwell asked if the submittal of the DEIS would only be made to FHWA. George Hadley noted that the DEIS would come to his office, as well as FHWA headquarters in Washington, D.C. and the Atlanta Legal office. Mr. Hadley stated that since this project is a prior concurrence, we may get comments from a few different groups, and they would be channeled through his office.

Ms. Broadwell asked how much time would be needed for the federal review, 30 days or 45 days. Mr. Hadley stated that 30 days would be the length of review time as was agreed to.

Mr. Ehrlich noted that once the DEIS is approved, notice of its availability must be published in the Federal Register for a period of 45 days. He said that the Public Hearing has to be held sometime within that 45 day period. He said he would want to time the Federal Register notice so that it ended ten days after the Public Hearing so that it would coincide with the ten day comment period following the Hearing.

Mr. Hadley noted that the scheduling is very important and we should be careful when dealing with these dates.

Mr. Cherry asked how the DEIS should be distributed. Mr. Hadley said that the DEIS and Technical Reports should be sent to his office and they will be distributed from there.

Ms. Broadwell asked if they wanted them in hard copies or electronic form, with red line corrections. Mr. Hadley responded that he would let us know in what form they will want them.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – August 19, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Brian Mirson asked if the revisions to the Noise chapter of the PD&E Manual would effect the DEIS. Mr. Hadley stated based on the current policy, if the Record of Decision was not provided by July 13, 2011, then the noise analysis would have to be re-done in accordance with the new standards.

Follow-Up Items from Last Month

Mr. Ehrlich noted that a complete submittal of the DEIS and all Technical Reports was submitted on June 30th and review comments were received. Revisions will be submitted on August 27th to FDOT District 4 and CEMO, followed by a 2-week review and coordination period.

Open Discussion

None

Advance Permitting/Mitigation Efforts

Mr. Mirson noted that as of this past Monday, the MOA was approved by the City and County for Platt's Creek.

Next Team Meeting

Mr. Ehrlich announced that the next Working Group Meeting will be held on September 16, 2010 at 2:00 p.m.

Follow-Up Items for Next Month

- The DEIS and technical reports will be delivered to FDOT District 4 and CEMO on August 27th, and there will be a 2-week review and coordination period.

Mr. Ehrlich thanked everyone for their attendance and then closed the meeting.

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.



American Consulting Engineers of Florida, LLC

2000 Palm Beach Lakes Blvd., Suite 1000

West Palm Beach, Florida 33409

Tel 561.253.9550 • Fax 561.253.9551

american@ace-fla.com • www.ace-fla.com

MEETING MINUTES

Meeting Date: August 17, 2010 **Date Issued:** August 19, 2010
Location: Savannas Preserve State Park Education Center
Project Name: DEP Proprietary Mitigation Project
Purpose: State lands mitigation plan
Notes by: Anna Peterfreund **American Project #:** 5109648
Copies to: City of PSL, Mirson, Carter, Weatherby, Salicco

<u>Attendees</u>	<u>Representing</u>	<u>Phone</u>	<u>Fax or e-mail</u>
Sine Murray	OPP/FPS	850-245-3051	Sine.murray@dep.state.fl.us
Paul Rice	FDEP, Recreation and Parks	772-546-0900	Paul.rice@dep.state.fl.us
Dan Griffin	FDEP, Recreation and Parks	772-340-7530	Daniel.griffin@dep.state.fl.us
Kevin Jones	FDEP	561-719-4510	Kevin.jones@dep.state.fl.us
Karl Baker	LPA Group	561-686-5130	kpbaker@lpagroup.com
Patricia Roebeling	City of PSL	772-871-5174	patr@cityofpsl.com
Anna Peterfreund	ACE	706-508-4029	anna.peterfreund@acp-ga.com
Chris Salicco	ACE	813-435-2617	csalicco@acp-fl.com

The following notes reflect our understanding of the discussions and decisions made at this meeting. If you have any questions, additions or comments, please contact us at the above address. We will consider the minutes to be accurate unless written notice is received within 10 working days of the date issued.

The purpose of the meeting was to get direction and ideas from DEP on the improvements to the education center and two canoe launches in the MOU. The City has a budget of \$2 million total for all three projects, including engineering and permitting. The meeting began at 9:00 am.

Halpatiokee Canoe Launch

The project involves interpretive kiosks, 200' boardwalk to the launch, restroom, parking lot, and paved entrance off US 1.

DEP will provide displays for the kiosks.

The parking lot should accommodate 20 vehicles.

The entrance to the potential locations for the proposed canoe launch can be found on the attached map. AT&T currently has an easement on this roadway. DEP will look into what the easement entails. There is a small curb cut off US 1 to the entrance. The entrance will require a FDOT permit for a new accessway off US 1. American will coordinate with FDOT on this and determine if a turn lane will be necessary. It was recommended by FDEP staff that the road to the canoe launch be constructed with a pervious surface such as crushed limerock or shell. The entrance within FDOT right-of-way would probably need to be paved, but American will verify this.

During the field review, two possible locations were discussed for the launch (see attached). The first enters Hog Pen Slough. Hog Pen Slough would have to be cleaned up as part of the project. Patricia mentioned during the meeting the City may have separate funds to clean up the slough and will verify this. Wetlands were located adjacent to the slough but most of the site consisted of uplands that would support the restroom and parking lot.

The second location follows the existing fire break located to the north of the neighborhood. The launch would be directly along Evans Creek. Wetlands existed to the south of the firebreak, as you approach Evans Creek. Overgrown scrub habitat was located to the north and would accommodate the facilities. Due to the proximity of the neighborhood and potential utilities along US 1, a sewer and water line could potentially be brought to the launch.

DEP will have their biologists check out the area for threatened and endangered species that may be impacted to help determine which site is more suitable.

The City and its consultants will develop preliminary cost estimates for both locations for the DEP to review.

Education Center

The improvements to the education center include a 6-foot wide boardwalk to the marsh with a proposed observation platform that is ADA compliant, and approximately 3,000 SF addition to the education center.

The overlook will be approximately 10-15 inches high. The size of the platform should be designed to accommodate between 15-30 people at a time, but will depend on funding available; however, DEP would like it to be longer than it is wide to accommodate more people with a better view. The entrance side of the platform will contain seating.

The boardwalk will be 6 feet wide and connect to the ramp attached to the education center and continue down the Glass Lizard Trail to the marsh. DEP has been coordinating with a boy scout group to construct the boardwalk. The City agreed to work with the boy scout group on this effort. It is possible to design and permit the boardwalk separate from the education center so that the boy scout group could begin construction of the boardwalk faster than the City would be prepared to do if they provide the construction.

The education center will consist of a classroom and lab addition. There are two possible options for the expansion. The first is to expand the education center to the north to make the building symmetrical. The second, and more preferred option, is to construct a new building between the education center and the existing pavilion. This option would include a breezeway to the existing education center as well as the existing pavilion. The second option may require additional restrooms. Karl will look into this and get back to the group. Both options need to be ADA compliant. Patricia brought up that when negotiating the terms of the MOU, the City was told that the expansion to the education center did not need to be ADA compliant. To bring the existing education center up to standards or provide ADA facilities in the proposed new facility could be costly and potentially not possible with the budget allotted for these projects.

In addition, DEP would like the City to provide additional parking, for both cars and buses, and improve the existing parking area. Improvements would include finding a new material to construct the parking area with. Some options are permeable pavers, pervious asphalt or pervious concrete. The DEP is open to ideas.

Paul will email the addition made at the Jonathan Dickinson Park as an example. In addition, DEP will send out the plans for the existing education center in CADD, if available, for use and a preferred layout for the interior of the proposed addition. DEP will also check to see if any survey and geotech work was completed for the existing education center that could be used for these improvements to reduce costs of getting additional survey and geotech work done. DEP will get their biologists to review the area for threatened and endangered species that may need to be worked around when placing the improvements.

For either option, DEP would like to limit the development to the existing footprint as much as possible. They would also like to leave in as many trees and other natural features as possible and shift the location of the building accordingly. DEP would like to consider energy efficient options such as solar power and LEED certification for the proposed building.

The City and its consultants will develop preliminary cost estimates for both options for the DEP to review.

Savannas Preserve Canoe Launch

This canoe launch is the lowest priority of the three projects. DEP would like the other two projects done with the added improvements over implementing this project.

The canoe launch is located off a County Road. DEP would like to add 5-7 parking spaces, stabilize the area and add a composting restroom (such as clivus unit). The parking lot would be linear off the county road. No dock or other launch facility would be added. If the project needs to be ADA compliant, then the project may be larger than DEP wants to maintain.

It was agreed that the City would create conceptual drawings and cost estimates for the improvements to the education center and the Halpatiokee canoe launch. If it appears that these two improvements will require the entire \$2 million, no work will be done on the Savannas Preserve canoe launch. If funds are available, the City will do minor improvements to the Savannas Preserve canoe launch.

The meeting and field review ended at approximately 12 pm.



American

www.ace-fla.com

Project Name

Page

Subject

Project #

Sheet

of

Designer

Date

Checker

Date

<u>Name</u>	<u>Affiliation</u>	<u>Phone</u>	<u>Email</u>
Anna Peterfreund	American	706-508-4029	anna.peterfreund@acp-fla.com
Chris Salicco	American	813-435-2617	csalicco@acp-fla.com
DAN GRIFFIN	SALINAS REP	772-340-7530	DANIEL.GRIFFIN@dep.state.fl.us
KEVIN JONES	DISTRICT	561-719-4510	Kevin.Jones@dep.state.fl.us
SINEA A. MURRAY	OPP/FPS	850-245-3051	sine.murray@dep.state.fl.us
Paul Rice	District 5 / Florida Park Service	772-546-0900	paul.rice@dep.state.fl.us
KARL PARKER	THE UPA GROUP	866 686 6130	KPARKER@UPAGROUP.COM
Patricia Roebeling	City of PSL	772-871-5174	prek@cityofpsl.com

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – June 17, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrrott, City Manager – City of Port St. Lucie
Patricia Roebling, P.E., City Engineer – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie
Michael Davis – Keith and Schnars, P.A.
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.
Brian Mirson, P.E. – American Consulting Engineers of Florida, LLC
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
Morteza Alian, P.E. – Florida Department of Transportation
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation

Attendees by Telephone:

Tom Butler – FDEP Division of State Lands
Hugo Carter – South Florida Water Management District
Susan Day – Florida Department of Transportation
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Ron Miedema – US Environmental Protection Agency
Larry Weatherby – American Consulting Engineers of Florida, LLC

Introductions

Introductions were made and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the April meeting and the Draft Meeting Minutes from the May meeting. Mr. Krane asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. There were no changes and Mr. Krane noted that the minutes will be finalized and sent out to everyone.

Schedule Review

Mr. Krane stated that revised Sections 1 through 8 of the DEIS have been submitted to FDOT District 4 and CEMO for review. He noted that a teleconference was held the day before with the City, FDOT District 4 and CEMO to discuss the schedule for submittal of the DEIS and technical reports. Mr. Krane noted that most of the technical reports remained unchanged from the prior submittal, and are complete. There are 6 technical reports that have to be revised based on the revisions to the current DEIS, including the Noise report. It was agreed during the teleconference that the DEIS and technical reports would be submitted to FDOT District 4 and CEMO by Wednesday, June 30.

After the June 30 submittal a 30-day review period will begin. The first 21 days of the review would be used to develop comments, and the remaining time would be used for teleconferences and discussion of the comments. Mr. Krane noted that this will impact the anticipated submittal date of

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – June 17, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

the DEIS to FHWA, which would now occur in August. A more definitive date will be developed when the comments have been received.

Public Hearing – Mr. Krane said that the Public Hearing date will have to be reviewed in the context of the document review process.

VE Meeting – Mr. Krane said that the VE Meeting is still scheduled for March 2011.

Mr. Krane asked if there were any questions regarding the new DEIS review schedule. There were no comments from those present or from those on the phone.

Mr. Krane reiterated that when the DEIS is sent out to FHWA it will also be sent to the Cooperating Agencies and the Participating Agencies, simultaneously.

Follow-Up Items from Last Month

Mr. Krane restated that the revised DEIS sections have been submitted, and that a complete submittal of the DEIS and technical reports is scheduled by June 30th to FDOT District 4 and CEMO, followed by a 30 day review and subsequent comments and revisions.

Open Discussion

None

Conceptual Environmental Resource Permit Review Update

Brian Mirson noted that letters had been received from USACE and SFWMD concerning Platt's Creek. Mr. Mirson suggested that these letters could be included in the DEIS in support of the project mitigation.

Mr. Krane noted that the letters were not included at present, but that a discussion of the City's on-going negotiations with the FDEP, SFWMD and the County was included. Roberta Richards indicated that K&S should have the fully executed and signed Memorandum of Agreement with FDEP regarding the proprietary mitigation, and that she would resend it to make sure.

Mr. Mirson stated that the Conceptual Environmental Resource Permit may evolve into an actual Environmental Resource Permit if a build alternative is selected since the City already has a MOU with FDEP, and has reached concurrence with the County on an MOA regarding Platt's Creek. Patricia Roebling clarified that for now it will remain a Conceptual Environmental Resource Permit.

Next Team Meeting

Mr. Krane announced that the next Working Group Meeting was scheduled for July 15, 2010 at 2:00 p.m. Ms. Roebling stated that the City summer retreat will occur on July 14th and 15th, and that she and Mr. Bentrott would not be able to make next month's meeting. Mr. Davis suggested that time might be better spent focusing our attentions on the review of the revised DEIS, and questioned the need for the July meeting.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – June 17, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

After some discussion, it was agreed that we could forego a July meeting in the interest of keeping a focus on getting the DEIS submitted to FHWA. Mr. Bentrutt reiterated the importance of keeping subsequent scheduled monthly meetings.

Mr. Krane noted that the July 2010 meeting will be cancelled, and that the next monthly meeting will be held on August 19, 2010. He will send a notice of cancellation to everyone, including meeting minutes for this meeting.

Follow-Up Items for Next Month

- The DEIS and technical reports will be delivered to FDOT District 4 and CEMO on June 30, and there will be a 30-day review and coordination period.

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – May 20, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrrott, City Manager – City of Port St. Lucie
Patricia Roebling, P.E., City Engineer – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Roxanne Chessner, P.E., Engineering – City of Port St. Lucie
Lynn Kiefer – Kimley-Horn and Associates, Inc.
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.
Brian Mirson P.E. – American Consulting Engineers of Florida, LLC

Attendees by Telephone:

Ann Broadwell – Florida Department of Transportation
Anna Peterfreund – American Consulting Engineers of Florida, LLC
Brian Barnett – Florida Fish and Wildlife Conservation Commission
Daniel Griffin – Savannas Preserve State Park
George Hadley – FHWA Florida Division
Hugo Carter – South Florida Water Management District
Kim Graham, P.E., Engineering – City of Port St. Lucie
Morteza Alian, P.E. – Florida Department of Transportation
Richard Young – Florida Department of Transportation
Susan Day - Florida Department of Transportation
Tom Butler – FDEP Division of State Lands

Introductions

Introductions were made and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the March meeting and the Draft Meeting Minutes from the April meeting. Mr. Krane asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. There were no changes to the minutes and Mr. Krane noted that the minutes will be finalized and sent out to everyone.

Schedule Review

Technical Reports – Mr. Krane noted that the Noise Report is still being worked on, but should be completed later in the month and delivered to FDOT District 4 and CEMO.

DEIS – Mr. Krane noted that Section 2 (Purpose of and Need for Action), Section 4 (Affected Environment) and Section 8 (Comments and Coordination) were submitted to the City on May 6th. These sections were subsequently sent on to FDOT District 4 and CEMO on May 18th for review. Mr. Krane also noted that he had received a confirmation e-mail from Josh Boan acknowledging CEMO's receipt of the sections, and outlining their intent to review the sections, but that formal comments would not be made until receipt of the full DEIS and support documents.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – May 20, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Mr. Krane said that Section 6 (Section 4(f)) and Section 7 (Avoidance, Minimization and Mitigation) will be submitted to the City today and then to FDOT 4 and CEMO likely the following week. Section 3 (Alternatives including Proposed Action) and Section 5 (Environmental Consequences) should be submitted the week after that and, lastly, Section 1 (Summary) the week after that. Mr. Krane mentioned that a final schedule for distribution of the DEIS will be developed early next week.

Ann Broadwell asked when the final DEIS will be ready. Mr. Krane noted that there is no specific submittal date yet, and that scheduling of all the section reviews with CEMO and FDOT are still underway. Ms. Broadwell requested a hard copy of the final DEIS once it is completed, because the District is trying to reduce printing costs. Ms. Broadwell noted that CEMO may have a similar issue. Ms. Broadwell requested two hard copies of the final report; one for herself and Richard Young and one for Beatriz Caicedo-Maddison.

Mr. Krane noted that we would determine how many copies of the report CEMO would need.

Ms. Broadwell asked for clarification on the review process for the DEIS. Mr. Krane explained that since the DEIS has been reviewed once by everyone, it was agreed that revisions to the DEIS will be submitted to the City, FDOT District 4 and CEMO by sections as they are completed. Then, once all of the sections have been submitted and comments received, the final compiled DEIS will be sent to FDOT District 4 and CEMO before being sent to FHWA, the cooperating agencies, and the participating agencies.

Mr. Krane asked George Hadley if a 30-day review period for the DEIS would still be sufficient for FHWA. Mr. Hadley said that a 30-day review period will still be enough time for FHWA to review the document. He went on to explain that the Legal Department of FHWA will have to review the document for their benefit before the document could go public. Mr. Hadley also noted that if FHWA Headquarters or Legal has comments they will be received by his office (Florida Division) before being sent back to us.

Public Hearing – Mr. Krane said that the Public Hearing is still scheduled for November 2010, however a final schedule for the event is under development based on the review schedule for the DEIS.

VE Meeting – Mr. Krane said that the VE Meeting will be held in March 2011.

Follow-Up Items from Last Month

Mr. Krane noted the DEIS is being worked on and that sections are being sent out after completion. Mr. Krane noted that there will be teleconferences with CEMO and FDOT District 4, concerning the comments received for the DEIS once the review is done.

Open Discussion

Brian Barnett asked what the schedule was for the participating agencies to receive the DEIS. Mr. Krane noted that the participating agencies will receive the DEIS the same time as the FHWA and the cooperating agencies.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – May 20, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Morteza Alian asked that even if hard copies of the final DEIS are provided, will the sections still be available on an FTP site. Mr. Krane noted that all sections can be made available on either the FTP site or on CDs.

Ms. Broadwell noted that the CRAS was delivered to SHPO on April 19, 2010, along with a requested 30-day review. A letter is expected from them shortly.

Conceptual Environmental Resource Permit Review Update

Brian Mirson noted that a draft of the MOA was received earlier this week. Mr. Mirson also mentioned that the FHWA had received the MOA as well, however; they may not issue a response. Mr. Mirson noted that the MOA should include a financial commitment.

Mr. Mirson noted that the proper permitting for Platt's Creek should be received if the MOA is agreed upon by the City, County and SFWMD.

Ms. Broadwell asked Hugo Carter if Platt's Creek was still considered to be a mitigation bank or a district preserve. Mr. Carter stated that Platt's Creek was a mitigation bank, but the County did not follow through with the mitigation. It was discussed that Platt's Creek is being considered a Permittee Responsible Offsite Mitigation Area. (PROMA).

Next Team Meeting

The next Working Group Meeting will be held on June 17, 2010 at 2:00 p.m.

Follow-Up Items for Next Month

- DEIS sections are currently being revised, and will be delivered to FDOT District 4 and CEMO as they are completed, a two-week review period is requested for each submittal

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.



American Consulting Engineers of Florida, LLC

2000 Palm Beach Lakes Blvd., Suite 1000

West Palm Beach, Florida 33409

Tel 561.253.9550 • Fax 561.253.9551

american@ace-fla.com • www.ace-fla.com

MEETING MINUTES

Meeting Date: April 27, 2010 **Date Issued:** October 27, 2010
Location: Conference Call with FHWA and FDOT
Project Name: Crosstown Parkway Extension Project
Purpose: Presentation of mitigation plans
Notes by: Anna Peterfreund **American Project #:** 5079986
Copies to: All attendees

<u>Attendees</u>	<u>Representing</u>	<u>Phone</u>	<u>Fax or e-mail</u>
George Hadley	FHWA	850-942-9650 x 3011	george.hadley@fhwa.dot.gov
Brian Telfair	FHWA	850-942-9650 x 3060	Brian.telfair@fhwa.dot.gov
Cathy Kendall	FHWA	850-942-9650 x3012	Cathy.Kendall@fhwa.dot.gov
Cheryl Balogh	FDOT	954-777-4390	Cheryl.balogh@dot.state.fl.us
Beatriz Caicedo-Maddison	FDOT	954-777-4336	Beatriz.Caicedo@dot.state.fl.us
Van Neilly	FDOT	954-777-4276	Van.neilly@dot.state.fl.us
Morteza Alian	FDOT	954-777 4449	Morteza.aliان@dot.state.fl.us
Ann Broadwell	FDOT	954-777-4325	Ann.broadwell@dot.state.fl.us
Susan Day	FDOT		
Bobbie Richards	City of PSL	772-871-5177	brichards@Cityofpsl.com
Kimberly Graham	City of PSL	772-871-5177	KimG@Cityofpsl.com
Jerry Bentrott	City of PSL	772-871-5177	JBentrott@Cityofpsl.com
Roxanne Chesser	City of PSL	772-871-5176	roxannec@Cityofpsl.com
Patricia Roebbling	City of PSL	772.871.5174	patr@Cityofpsl.com
Roger Orr	City of PSL	772-871-5177	
Azlina Goldstein	City of PSL	772-871-5177	AGoldstein@Cityofpsl.com
John Krane	Keith and Schnars	954-776-1616	jkrane@keithandschnars.com
Michael Davis	Keith and Schnars	954-776-1616	mdavis@keithandschnars.com
Paul Cherry	Kimley-Horn	772-794-4075	Paul.Cherry@kimley-horn.com
Lynn Kiefer	Kimley-Horn	772-794-4075	lynn.kiefer@kimley-horn.com
Brian Mirson	American	561-307-0068	bmirson@ace-fla.com
Anna Peterfreund	American	706-508-4029	Anna.peterfreund@acp-ga.com

The following notes reflect our understanding of the discussions and decisions made at this meeting. If you have any questions, additions or comments, please contact us at the above address. We will consider the minutes to be accurate unless written notice is received within 10 working days of the date issued.

The meeting began at 2:00. Introductions were given. Beatriz Caicedo-Maddison, FDOT started the meeting by giving an introduction to the project and purpose of the meeting.

Krane then gave an update on the status of the EIS. The DEIS is expected to be sent to FHWA and cooperating agencies in May 2010.

Peterfreund gave an update on the Conceptual ERP. Mirson, then gave a brief presentation on the proprietary mitigation plan.

"A Culture of Professional Excellence"

Kendall, FHWA made an inquiry if the proprietary mitigation plan was specific to impacts to the state park or all state lands? Peterfreund indicated the impacts were related to all state lands. Telfair, FHWA asked that since all corridors cross the aquatic preserve, wouldn't this mitigation be needed on all of the alternatives except the no-build? Mirson described that the agreement made with DEP was based on worst case impacts and the mitigation plan would be implemented should any build alternative be selected. Should the no-build alternative be the preferred alternative, the projects within the MOU would not be constructed and an easement would not be required from the State.

Questions concerning the MOU (Memorandum of Understanding) and Property Acquisition:

The City of Port St. Lucie has executed the MOU solely for the purpose of exercising its right to request an easement to cross the North Fork of the St. Lucie River. We are awaiting the fully executed document from the Department of Environmental Protection. In light of the facts presented, the City negotiated and entered into an Option Agreement (for the sale and purchase of the Evans property - the #1 property on DEP's wish list). This parcel will be purchased, using City funds only, as part of the agreement between the City and DEP under the Land Acquisition section in the MOU.

- In accordance with our conversation last year with FHWA, the City negotiated an option agreement on the Evans parcel. It includes an annual payment of \$50,000 until such time as we exercise the option and a negotiated final purchase price. When this agreement was negotiated the City did not follow the Federal Uniform Relocation Act as we were under the impression that it was not necessary for this particular property being part of the Proprietary package. Is the Federal Uniform Relocation Act required?
- If the agreement as negotiated is not acceptable does the City need to start the process all over again?
- Whether or not the current option agreement is acceptable in its current form, can the City go forward and purchase the Evans property prior to the signing of the ROD?
- For the remainder of the 110 acres of proposed land acquisition agreed to in the MOU, the City intends to utilize the same process to acquire the Wynne property as we will follow for the Evans parcel. We assume the same process is acceptable.

Below is the dialog regarding these questions.

Telfair, FHWA indicated Option Agreements for Sale of Purchase are acceptable; however, FHWA doesn't participate in option fees. Further, if federal money is used in any phase of the project, all property acquisition needs to be in compliance with the Federal Uniform Relocation Act (FURA).

Hadley, FHWA wanted it clarified that they have been neutral on actions associated with the proprietary mitigation process situation to ensure no tainting of the NEPA process. Any documentation regarding FHWA's position regarding these actions needs to be clear that although they are aware of the ongoing process and have not objected to the process, they have not provided any approvals of any kind.

Mirson asked, assuming federal money may be used for construction and given the FURA process wasn't specifically used by the City to negotiate purchase option contracts for property associated with the proprietary mitigation plan, should the City go back and re-negotiate the option contracts following the FURA process?

Goldstein further clarified that the purchase option executed agreement for the Evan's property was for a period of 3 years where the City has agreed to pay \$50,000 per year until the City exercises the option to purchase the property at a price stated in the purchase option agreement.

Telfair, FHWA indicated that the issue is not the use of an option agreement but that both the appraisal and negotiations must be performed in compliance with the URA and the acquisition must have no influence on the alignment of the project. The property must be appraised at the time the City exercises its option to purchase and the property owner must be offered just compensation for the purchase to be in compliance with the URA.

Hadley, FHWA suggested that it would be prudent to send the documentation to FDOT for their review to ensure the process was in compliance with FURA.

Kendall, FHWA cautioned the City that they would need to have the property appraised right before the property is purchased for FDOT's review.

Roebing asked the following question – So if the City sends down the purchase option contracts for properties the city is prepared to purchase, along with their appraisals to FDOT and they review them and find the contracts are compliant with FURA, can the City go forward and purchase these properties at this time, with their own funds and risk?

Telfair, FHWA indicated they could.

Questions concerning the MOU, Water Quality Improvements and Recreational Opportunities:

Continuing with the MOU and the proposed improvements that will be pursued utilizing City funds only, the City desires to enter into a contract with a consultant to begin planning and design of the Proprietary Mitigation Plan. More specifically the City wishes to begin monitoring, design and permitting of the water quality improvements and recreational opportunities. We plan to conduct this work in phases as detailed below:

- Phase 1 –Monitoring, Programming and Schematic
- Phase 2 - 60% plans and permitting
- Phase 3 - Final engineering
- Phase 4 - CEI and construction

The MOU requires the City to construct the improvements prior to initiating construction of the proposed bridge. The City intends to get started on Phase 1 as soon as possible in order to meet the requirements of the MOU, as Phase 1 alone is estimated to take 14 months.

- The City using its own funds, intends to proceed to hire a consultant to perform the planning and design work required in the MOU understanding that the work is “at risk”. Can the City proceed with the consultant's contract prior to the Record of Decision (ROD)?
- The City has negotiated Master Contracts for Professional Engineering Services under the CCNA process. The City intends to complete this work hiring one of the City's selected consultants under the Master Contracts without going through the Federal RFP process. Do you have any concerns?
- We plan to use the same consultant for Phases 2 and 3? Are there any objections?

- As previously stated, the City intends to use City funds only to fulfill its obligations under the MOU should a build alternative be selected. If the City obtains the approval to “build” the project, the City desires to start construction of the Proprietary Mitigation Improvements immediately after the ROD is issued in order to meet the requirements of the MOU and while Crosstown Parkway Extension is under design. We intend to use the CCNA and competitive bid process for the selection of CEI consultants and contractors, and not the Federal RFP process. Are there any objections?

Below is the dialog regarding these questions.

FHWA was not aware of any issue. Hadley, FHWA asked whether it is possible that additional mitigation will be needed once the project goes to construction?

Mirson indicated no additional items will be required beyond those included in the proprietary mitigation plan outlined in the MOU.

Hadley, FHWA asked if the proprietary mitigation be used for any other impacts, such as wetlands.

Mirson and Peterfreund indicated that the DEP proprietary mitigation plan is totally separate from the SFWMD regulatory mitigation plan that will be described later.

Roebbling asked if the City could immediately move forward with design and permitting of the elements included in the proprietary mitigation plan up to construction.

FHWA had no objection.

Regarding the selection of CEI consultants and Contractors, FHWA staff on the call didn't know enough about contract administration to provide an answer. They will run this through their contract admin people to answer that. George will get back to the City.

Remediation of City's previously acquired properties:

- We understand that City funds must be used for any remediation along the recommended build alternative path. Is our understanding correct?
- Remediation, from the City's point of view, should not commence until the NEPA process moves the project to the point of one alignment and a “no build” option. Do you concur?
- One alternative for the City is to consider handling the remediation ourselves. In that instance are we required to hire one or two consultants to meet the federal requirements?

Below is the dialog regarding these questions.

Telfair, FHWA indicated that the City must use their funds for any remediation costs.

Hadley, FHWA indicated it was best to wait until the City gets the ROD, not just after the public hearing.

Roebbling indicated if they waited until the ROD, it would put the City behind schedule. The City was hoping to execute the remediation after the public hearing.

Hadley, FHWA indicated the City could start earlier but at their risk. Some parcels may not be in the final alignment if you do not wait until ROD. Often, at the public hearing, a preferred alternative will be identified. However, we can still choose a different alternative even after the public hearing so they just want to caution the City.

The City acquired approximately 70 properties along the Crosstown Parkway corridor during the period of time from 1997 through 2010. A majority of those properties were acquired subsequent to November 2000, which is the established federalization date of the Project. Federal regulations (e.g. the Uniform Act) were not followed when the City acquired the properties (with the exception of one federally authorized hardship acquisition, for which the City used a pre-qualified Right of Way consultant).

The City recognizes and acknowledges that should a build alternative be selected for the Project, the properties that are within the (to be selected) preferred alternative that were acquired subsequent to federalization of the Project will need to be remediated. Therefore, approximately 31 improved parcels (34 lots) and 18 vacant parcels (23 lots) will have to be retroactively brought into compliance with the Uniform Act, regardless of the intended use for each acquisition at the time.

A detailed remediation plan will be included in the Final Environmental Impact Statement. This plan will identify the non-compliance issues associated with the parcels along the preferred alternative that were acquired after the November 2000 federalization date, and address the actions that will be taken to bring each parcel into compliance with the appraisal, acquisition and relocation assistance requirements of the Uniform Act.

Roebbling asked if all remediation has to be done prior to purchasing ROW for the corridor.

Telfair, FHWA indicated the City did not need to wait, but should work closely with FDOT. The City could choose parcels that are common to all potential alignments but it would be safer to wait until the ROD. However, FHWA cannot authorize the ROW phase until NEPA is completed if ROW is being done using federal funding.

Questions concerning Acquisition of Right of Way:

- FDOT has suggested that we apply the federal funds towards right of way property acquisition, following the Federal Uniform Act requirements. Can FHWA comment on that?
- We understand that we cannot purchase any of the Right of Way until after the ROD is issued (with the exception of "hardship" cases). Is this correct?

Telfair, FHWA agreed that no ROW may be purchased until after the ROD is issued.

(NOTE: Although not discussed at this meeting, it is important to recognize that, although the City may not need to conclude remediation prior to purchasing ROW for the corridor, a remediation plan must be developed and included as part of the Environmental Impact Statement (EIS) document. Coordination with FDOT to identify the parcels requiring remediation, as well as the scope of and schedule for remediation, should begin at the earliest time possible to meet the schedule for the EIS.)

Questions concerning Regulatory Mitigation:

- For the Regulatory Wetland Mitigation, we are considering doing a MOA with St. Lucie County to use their Platt's Creek property and finish their mitigation proposal. We would then share the mitigation credits that would be generated and approved by SFWMD and ACOE. The County already owns the land and has construction plans prepared by a consultant. Do either FDOT/FHWA have any issues with the City negotiating and executing the MOA?
- The City intends to follow the same design and construction process for the Regulatory Mitigation components as we will for the Proprietary Mitigation components. Is there any issue with this?
- Can we start the design before the ROD? Up to what percentage can the design and permitting be complete prior to the ROD?
- Are there any issues related to the City finalizing the construction plans (updating)?
- Are there any issues or concerns related to the City and County filing jointly for a SFWMD permit and ACOE permit?
- Does this proposal in any way jeopardize the Federal Acquisition process since the County owns the land in which the credits will be allocated to the Crosstown Parkway Extension project?

Mirson gave a brief presentation on the regulatory mitigation plan. Below is the dialog regarding these questions.

Hadley, FHWA indicated the City can execute an agreement with the County and have regulatory mitigation design plans ready for permitting before the ROD. If the City is willing to do combined public notices and hearings, FHWA would be willing to identify a preferred alternative before the DEIS is circulated. FHWA indicated they would like to have a more detailed discussion at the next status meeting. FHWA would also be pleased to review the draft MOA and work with the City on this further.

Roebeling asked again if this means the City could go ahead and get started with the planning and design of the Platt's Creek Initiative once an MOA is in place, yet before the ROD is issued and the City uses their funds?

Hadley, FHWA indicated the City could. Under the environmental provisions of SAFETEA-LU, FHWA indicated the City can develop the preferred alternative, including the associated mitigation plans, to a higher level of detail than other alternatives for consultation reasons and for permitting, to facilitate public notice and joint public hearings.

Mirson wanted to make it clear the regulatory mitigation, as outlined in the MOA, will work for any build alternative chosen through the EIS process. Therefore, a combined public hearing could be held whether or not a preferred alternative is identified prior to the EIS hearing.

Hadley, FHWA stated that that makes it even better.

Roebeling stated the City would like to use a consultant selected through the City's normal process for the design and permitting of this regulatory mitigation plan similar to what the City proposed to do for the proprietary mitigation plan. Was that possible?

Hadley, FHWA stated they didn't see a problem with that, but with respect to the construction phase, again, they would have to get back to the City on that.

The meeting adjourned at approximately 3:30.

Note: As a follow up to the meeting, the FHWA responded to the City regarding their contract administration concerns. The following response is meant to answer the three questions below from the City.

1. As previously stated, the City intends to use City funds only to fulfill its obligations under the MOU should a build alternative be selected. If the City obtains FHWA approval to "build" the project, the City desires to start construction of the Proprietary Mitigation Improvements immediately after the ROD is issued in order to meet the requirements of the MOU and while Crosstown Parkway Extension is under design. We intend to use the CCNA and competitive bid process for the selection of CEI consultants and contractors, and not the Federal RFP process. Are there any objections?
2. The City intends to follow the same design and construction process for the Regulatory Mitigation components as we will for the Proprietary Mitigation components. Is there any issue with this?
3. Can we start the design before the ROD? Up to what percentage can the design and permitting be complete prior to the ROD?

FHWA response: "I have no concerns with what the City is proposing from an eligibility perspective. Our regs prohibit the authorization/obligation of federal funds for final design, ROW or construction until the NEPA document is completed. Since the work proposed below is funded without the use of fed-aid there are no conflicts. However, under their scheme there could not later be federal aid added to the consultant contract, say for phase IV- CEI, because we did not authorize the initial work/contract to proceed as fed-aid work. I do not read that to be their intent but just to be clear there is no misunderstanding."

Crosstown Parkway Extension “Go to” Meeting – Date: April 27, 2010- 2:00 P.M. – 3:00 P.M

Invitees:

FHWA:

George Hadley, FHWA Florida Division

Brian Telfair, FHWA Right of Way

FDOT:

Cheryl Balogh, Right of Way Manager

Beatriz Caicedo –Maddison, Project Manager

Van Neilly, Assistant Right of Way Manager

Morteza Alian, District Consultants Management Engineer

Ann Broadwell, District Environmental Administrator

CITY OF PORT ST. LUCIE:

Jerry Bentrott, City Manager

Roger Orr, City Attorney

Patricia Roebling., City Engineer

Kimberly Graham, Acting Assistant City Engineer

Azlina Goldstein Siegel, Assistant City Attorney

Roxanne Chesser, Civil Engineer

Bobbie Richards, Manager, Engineering Operations

CITY’S CONSULTANTS:

Paul Cherry, P.E. Kimley-Horn & Associates

Lynn Kiefer, PWS - Kimley-Horn & Associates

Michael Davis, VP - Keith and Schnars, P.A.

John Krane, P.E. - Keith and Schnars, P.A.

Brian Mirson P.E. - American Consulting Engineers, Inc.

Anna Peterfreund – American Consulting Engineers, Inc.

AGENDA – “Go To” Meeting – April 27, 2010

Crosstown Parkway Extension Project PD&E /Environmental Impact Statement

- **Introductions**
- **Overview & Project Schedule**
 - **Environmental Impact Statement (EIS)**
 - **Conceptual Environmental Resource Permit(CERP)**
- **Proprietary Mitigation Presentation-Memorandum of Understanding(MOU)**
 - **Draft MOU Document**
 - **Land Acquisition (Option Agreement)**
 - **Water Quality Improvements & Recreational Opportunities**
- **Discussion Concerning Right of Way Acquisition**
 - **Remediation**
 - **Right of Way**
- **Regulatory Mitigation**
 - **Memorandum of Agreement (MOA) – Platt’s Creek in St. Lucie County**

Questions

Questions concerning the MOU (Memorandum of Understanding) and Property Acquisition:

The City of Port St. Lucie has executed the MOU solely for the purpose of exercising its right to request an easement to cross the North Fork of the St. Lucie River. We are awaiting the fully executed document from the Department of Environmental Protection. In light of the facts presented, the City negotiated and entered into an Option Agreement (for the sale and purchase of the Evans property - the #1 property on DEP's wish list). This parcel will be purchased, using City funds only, as part of the agreement between the City and DEP under the Land Acquisition section in the MOU.

- A: In accordance with our conversation last year with FHWA, the City negotiated an option agreement on the Evans parcel. It includes an annual payment of \$50,000 until such time as we exercise the option and a negotiated final purchase price. When this agreement was negotiated the City did not follow the Federal Uniform Relocation Act as we were under the impression that it was not necessary for this particular property being part of the Proprietary package. Is the Federal Uniform Relocation Act required?
- B: If the agreement as negotiated is not acceptable does the City need to start the process all over again?
- C: Whether or not the current option agreement is acceptable in its current form, can the City go forward and purchase the Evans property prior to the signing of the ROD?
- D: For the remainder of the 110 acres of proposed land acquisition agreed to in the MOU, the City intends to utilize the same process to acquire the Wynne property as we will follow for the Evans parcel. We assume the same process is acceptable.

Questions concerning the MOU, Water Quality Improvements and Recreational Opportunities:

Continuing with the MOU and the proposed improvements that will be pursued utilizing City funds only, the City desires to enter into a contract with a consultant to begin planning and design of the Proprietary Mitigation Plan. More specifically the City wishes to begin monitoring, design and permitting of the water quality improvements and recreational opportunities. We plan to conduct this work in phases as detailed below:

- Phase 1 –Monitoring, Programming and Schematic
- Phase 2 - 60% plans and permitting
- Phase 3 - Final engineering
- Phase 4 - CEI and construction

The MOU requires the City to construct the improvements prior to initiating construction of the proposed bridge. The City intends to get started on Phase 1 as soon as possible in order to meet the requirements of the MOU, as Phase 1 alone is estimated to take 14 months.

- A: The City using its own funds, intends to proceed to hire a consultant to perform the planning and design work required in the MOU understanding that the work is “at risk”. Can the City proceed with the consultant’s contract prior to the Record of Decision (ROD)?
- B: The City has negotiated Master Contracts for Professional Engineering Services under the CCNA process. The City intends to complete this work hiring one of the City’s selected consultants under the Master Contracts without going through the Federal RFP process. Do you have any concerns?
- C: We plan to use the same consultant for Phases 2 and 3? Are there any objections?
- D: As previously stated, the City intends to use City funds only to fulfill its obligations under the MOU should a build alternative be selected. If the City obtains the approval to “build” the project, the City desires to start construction of the Proprietary Mitigation Improvements immediately after the ROD is issued in order to meet the requirements of the MOU and while Crosstown Parkway Extension is under design. We intend to use the CCNA and competitive bid process for the selection of CEI consultants and contractors, and not the Federal RFP process. Are there any objections?

Questions concerning Acquisition of Right of Way:

Remediation of City’s previously acquired properties:

- A: We understand that City funds must be used for any remediation along the recommended build alternative path. Is our understanding correct?
- B: Remediation, from the City’s point of view, should not commence until the NEPA process moves the project to the point of one alignment and a “no build” option. Do you concur?
- C: One alternative for the City is to consider handling the remediation ourselves. In that instance are we required to hire one or two consultants to meet the federal requirements?

Acquisition of Right of Way:

- A: FDOT has suggested that we use the federal funding towards right of way property acquisition, following the Federal Uniform Act requirements. Can FHWA comment on that?
- B: We understand that we cannot purchase any of the Right of Way until after the ROD is issued (with the exception of “hardship” cases). Is this correct?

Questions concerning Regulatory Mitigation:

- A: For the Regulatory Wetland Mitigation, we are considering doing a MOA with St. Lucie County to use their Platt’s Creek property and finish their mitigation proposal. We would then share the mitigation credits that would be generated and approved by SFWMD and ACOE. The County already owns the land and has construction plans prepared by a consultant. Do either FDOT/ FHWA have any issues with the City negotiating and executing the MOA?

- B:** The City intends to follow the same design and construction process for the Regulatory Mitigation components as we will for the Proprietary Mitigation components. Is there any issue with this?
- C:** Can we start the design before the ROD? Up to what percentage can the design and permitting be complete prior to the ROD?
- D:** Are there any issues related to the City finalizing the construction plans (updating)?
- E:** Are there any issues or concerns related to the City and County filing jointly for a SFWMD permit and ACOE permit?
- F:** Does this proposal in any way jeopardize the Federal Acquisition process since the County owns the land in which the credits will be allocated to the Crosstown Parkway Extension project?

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – April 15, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrutt, Acting City Manager – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Roxanne Chessier, P.E., Engineering – City of Port St. Lucie
Kim Graham, P.E., Engineering – City of Port St. Lucie
Lisa Stewart, P. E. – Kimley-Horn and Associates, Inc.
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.

Attendees by Telephone:

Ann Broadwell – Florida Department of Transportation
Anna Peterfreund – American Consulting Engineers of Florida, LLC
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Brian Barnett – Florida Fish and Wildlife Conservation Commission
Cathy Kendall – FHWA Florida Division
George Hadley – FHWA Florida Division
Hugo Carter – South Florida Water Management District
Larry Weatherby – American Consulting Engineers of Florida, LLC
Linda Anderson – FHWA Florida Division
Morteza Alian, P.E. – Florida Department of Transportation
Ron Miedema – US Environmental Protection Agency
Tom Butler – FDEP Division of State Lands

Introductions

Introductions were made and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the February meeting and the Draft Meeting Minutes from the March meeting. Mr. Krane asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. There were no changes to the minutes and Mr. Krane noted that the minutes will be finalized and sent out to everyone.

Schedule Review

Technical Reports – Mr. Krane noted that the Noise Report is still being worked on, but should be completed later this month and delivered to FDOT District 4 and CEMO.

DEIS – Mr. Krane noted that all sections of the DEIS are currently being revised and that sections will be sent to FDOT District 4 and CEMO as they are completed, starting next week.

The DEIS is scheduled to be finalized and submitted to FHWA and the Cooperating Agencies in May. October 2010 is the scheduled approval for the DEIS from FHWA.

Public Hearing – Mr. Krane said that the Public Hearing is still on schedule for November 2010.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – April 15, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

VE Meeting – Mr. Krane said that the VE Meeting will be held in March 2011.

Mr. Krane asked if there are any questions concerning the schedule for the DEIS. There were no questions or comments from the meeting room or on the phone.

Follow-Up Items from Last Month

Mr. Krane noted the Cultural Resources Assessment Survey (CRAS) was sent to Ann Broadwell at FDOT District 4, on April 8. Ms. Broadwell noted that she received the report on April 9, and forwarded it to FHWA on April 12. George Hadley mentioned that the report had yet to arrive in their office, but that they would be on the lookout for it.

Open Discussion

None.

Conceptual Environmental Resource Permit Review Update

Anna Peterfreund noted that the City submitted a request to extend their response time for the current RAI. Ms. Peterfreund also mentioned that a meeting should be scheduled with FDOT and FHWA to discuss changes that had been made to the mitigation plan.

Beatriz Caicedo-Maddison noted that she is planning a conference call during the following week to discuss various aspects of the project, and that the call could be amended to include a discussion on mitigation issues as well as ROW.

Morteza Alian suggested developing a list of topics to be discussed during the call.

Roberta Richards asked that Ms. Peterfreund coordinate with the City first to develop an agenda for the teleconference so as not to duplicate other meeting topics.

Mr. Krane noted that Patricia Roebling, Brandon Howard and Lynn Kiefer were out performing a field visit in the study area.

Next Team Meeting

The next Working Group Meeting will be held on May 19, 2010 at 2:00 p.m.

Follow-Up Items for Next Month

- DEIS sections are currently being revised, and will be delivered to FDOT District 4 and CEMO as they are completed, before going on to the FHWA and the Cooperating Agencies.
- Anna Peterfreund will coordinate with the City to include discussion with FDOT and FHWA regarding changes in the mitigation. This would likely be tacked on to the end of the call Beatriz was already coordinating or included in that call as appropriate. Ms. Peterfreund will coordinate with the City to develop an agenda.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – April 15, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – March 18, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Roxanne Chessner, P.E., Engineering – City of Port St. Lucie
Kim Graham, P.E., Engineering – City of Port St. Lucie
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Morteza Alian, P.E. – Florida Department of Transportation
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.

Attendees by Telephone:

Anna Peterfreund – American Consulting Engineers of Florida, LLC
Brandon Howard – US National Marine Fisheries
Brian Mirson – American Consulting Engineers of Florida, LLC
George Hadley – FHWA Florida Division
Hugo Carter – South Florida Water Management District
Larry Weatherby – American Consulting Engineers of Florida, LLC
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Mindy Parrott – South Florida Water Management District
Ron Miedema – US Environmental Protection Agency
Tom Butler – FDEP Division of State Lands

Introductions

Introductions were made and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the January meeting (including Ron Miedema's changes) and the Draft Meeting Minutes from the February meeting. Mr. Krane asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. Mr. Krane noted that Lynn Kiefer had sent in a few corrections to last month's meeting minutes, after the notice for the meeting was sent out and that they would be added later, when the minutes are finalized and sent out to everyone.

Schedule Review

Technical Reports – Mr. Krane noted that the Noise Report is still being worked on, and that the final FDOT and CEMO comments have been included in the report. Mr. Krane also stated that the additional modeling requested in the report comments have been performed and that a final strikethrough version will be delivered to FDOT and CEMO next week.

DEIS – Mr. Krane noted that the DEIS was sent out to both FDOT Central Office and FDOT District 4 on February 11, 2010. Mr. Krane mentioned that 3 teleconferences had taken place between CEMO, FDOT District 4, the City and consultants to review comments on the report, section by section. Written comments for the report were submitted by FDOT District 4, on March 15, 2010.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – March 18, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Mr. Krane noted that there are more teleconferences scheduled next week to complete the DEIS comment review. The DEIS is scheduled to be finalized and submitted to FHWA in April. October 2010 is the scheduled approval for the DEIS from FHWA.

Public Hearing – Mr. Krane said that the Public Hearing is still on schedule for November 2010.

VE Meeting – Mr. Krane said that the VE Meeting will be held in March 2011 (after the Public Hearing) after a preferred alternative is chosen.

Beatriz Caicedo-Maddison stated that FDOT D4 and CEMO would like to see the final DEIS after all of the comments have been reviewed, to make sure that the comments have been addressed, before delivering it to FHWA. Ms. Caicedo-Maddison asked how it could be worked in to the current overall schedule. Mr. Krane noted that the revisions of the DEIS will last until the end of April and that as the sections are completed they will be sent to FDOT and the City for further review.

Morteza Alian mentioned that FHWA wanted CEMO and FDOT District 4 to review the final document before they receive the document. Ms. Caicedo-Maddison also noted that FDOT District 4 will review the document section by section once it is completed; however, they still want to see the final version as a whole.

Mr. Krane noted that the adopted schedule does not parallel how the documents are actually being reviewed at this time, but that we are expecting to hold the final approval date the same.

Paul Cherry asked if 'track changes' will be used when sending out sections for further review. Mr. Krane said that all of the sections would be done with 'track changes' before being sent out to CEMO, FDOT District 4 and the City for review.

Ms. Caicedo-Maddison reiterated that CEMO and FDOT District 4 staff members will be available to answer any questions that may arise after looking at the comments received from their respective offices.

Mr. Alian asked when the Regulatory Agencies will receive the DEIS for review. Mr. Krane said that the Regulatory Agencies will receive the DEIS concurrently with FHWA.

Mr. Krane asked George Hadley when he wanted the Regulatory Agencies to review the DEIS. Mr. Hadley stated that it would be fine if the Regulatory Agencies received the DEIS concurrently along with FHWA. Mr. Krane noted that Keith and Schnars would contact the Regulatory Agencies in order to determine who the DEIS should be delivered to and in what format.

Follow-Up Items from Last Month

There were no follow up items from last month's meeting.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – March 18, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Open Discussion

Hugo Carter mentioned that Susan Eovaldi wrote a letter to the Palm Beach Post discussing the Crosstown Parkway Extension project. Mr. Carter noted that the letter was available to be read on the e-permitting website.

Mr. Hadley noted that before the first draft of the DEIS is sent to FHWA, an email or notice should be sent to his office, alerting him of its scheduled arrival. Mr. Hadley also asked that the DEIS be sent to the Division Headquarters in Washington directly to avoid delays due to forwarding the information. Mr. Krane said that Keith and Schnars would send the DEIS directly to FHWA, the Regulatory Agencies and Headquarters, and provide the requested advanced notification of its scheduled arrival.

Conceptual Environmental Resource Permit Review Update

Brian Mirson discussed the Proprietary Mitigation Plan and the Regulatory Mitigation Plan. Mr. Mirson noted meetings with National Marine Fisheries, US Army Corps, US Coast Guard, and South Florida Water Management.

Mr. Krane asked that an invitation be sent to Mr. Hadley in the future to attend any meetings to discuss the Proprietary Mitigation Plan and the Regulatory Mitigation Plan, and he can decide if he would attend. Mr. Krane also asked that FDOT D4 be copied on any meeting invitations.

Mr. Mirson said that the MOA with the County still needs to be finalized. Roberta Richards noted that the City is in the process of coordinating next steps on this. During the Public Hearing the City wants to be able to present a Mitigation Plan to the public.

Ms. Caicedo-Maddison noted that the Section 4(f) issue needs to be considered, and requested that FDOT be allowed to review in advance what would be presented and shown during the public hearing related to mitigation.

Mr. Krane informed Mr. Hadley that FDOT will be sending the CRAS to FHWA, and asked whether or not it should be sent to his attention. Mr. Hadley indicated in the affirmative.

Next Team Meeting

The next Working Group Meeting will be held on April 15, 2010 at 2:00 p.m.

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – February 18, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrrott, Acting City Manager – City of Port St. Lucie
Patricia Roebling, P.E., City Engineer – City of Port St. Lucie
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Morteza Alian, P.E. – Florida Department of Transportation
Michael Davis – Keith and Schnars, P.A.
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.

Attendees by Telephone:

Anna Peterfreund – American Consulting Engineers of Florida, LLC
Daniel Griffin – Savannas Preserve State Park
Garett Lips – US Army Corps of Engineers
George Hadley – FHWA Florida Division
Hugo Carter – South Florida Water Management District
Larry Weatherby – American Consulting Engineers of Florida, LLC
Lynn Kiefer – Kimley-Horn and Associates, Inc.
Mindy Parrott – South Florida Water Management District
Ron Miedema – US Environmental Protection Agency
Tom Butler – FDEP Division of State Lands

Introductions

Introductions were made and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the December meeting and the Draft Meeting Minutes from the January meeting. Mr. Krane asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. Mr. Krane noted that Vicki Sharpe had noted changes to be made to the Draft January meeting minutes that would be sent to our office at a later date. Ron Miedma noted that at the bottom of page 4 of the Draft January minutes a reference to follow-up with the US Army Corps as a follow-up item should be USEPA. Mr. Krane said the correction would be made.

Mr. Krane announced that Vicki Sharpe sent her regrets and would not be able to attend the teleconference.

Schedule Review

Technical Reports – Mr. Krane noted that the final changes are being made to the Noise Report, and that the final modeling and additional noise readings have been performed. The report is anticipated to be delivered to FHWA and the Cooperating Agencies by the end of February.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – February 18, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

DEIS – Mr. Krane noted that the DEIS was mailed out to FDOT Central Office and FDOT District 4 on Thursday, February 11, 2010. Mr. Krane also noted that a return receipt was sent out to all recipients, and that all reports were successfully delivered. A 30-day review by FDOT Central Office and District 4, had been requested. Mr. Krane mentioned that FDOT Central Office and District 4 would be scheduling a teleconference to discuss the DEIS and any comments or questions that may arise.

The DEIS is scheduled to be submitted to FHWA and the cooperating agencies by early April, with approval scheduled for October 2010.

Public Hearing – Mr. Krane said that the Public Hearing is scheduled for November 2010, but that it would be moved up if possible. He also noted that a preferred alternative should be selected after the Public Hearing.

VE Meeting – Mr. Krane said that the VE Meeting will be held in March 2011 (after the Public Hearing) after a preferred alternative is chosen.

Mr. Krane asked George Hadley if the DEIS would need approval from FHWA Headquarters since this is a prior concurrence EIS. Mr. Hadley said that the DEIS would be reviewed by Headquarters at the same time as the local Division office. Mr. Krane asked how many hard copies and CDs of the report would be needed. Mr. Hadley asked for 3 hard copies for his office and 3 additional copies for distribution to headquarters, he also requested 2 CDs.

Follow-Up Items from Last Month

Anna Peterfreund noted that they had met with EPA twice, since our last meeting and that the USCG meeting would be held on Monday, February 22. Ms. Peterfreund also noted that a meeting had yet to be scheduled with FHWA.

Mr. Krane reiterated for those present that the meetings were being scheduled in association with the Proprietary Mitigation associated with the Conceptual Environmental Resource Permit. Mr. Hadley noted that FHWA may not attend those meetings in order to preserve the integrity of the process. Mr. Krane asked if the FHWA would like an official invitation to the meeting, Mr. Hadley said yes.

DEIS

Mr. Krane discussed the submittal of the DEIS, noting that 8 hard copies and 2 CDs were sent to FDOT CEMO, and 2 hard copies and 4 CDs were sent to FDOT District 4. Mr. Krane asked if anything else was needed for the review at this time. Beatriz Caicedo-Maddison noted that nothing else was needed at this time, but that she would contact us if there was.

Open Discussion

Regarding the Conceptual ERP, Mindy Parrot asked when the MOU with FDEP would be executed. Roberta Richards mentioned that the MOU was sent to Tallahassee last week. Patricia Roebling noted that 4 copies were sent out at their request.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – February 18, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Ms. Parrot asked when the City was expecting the Conceptual Permit to be issued since the SFWMD needed approval from the Board of Trustees of the Internal Improvement Trust Fund. Paul Cherry suggested that after a build alternative is selected the Conceptual Permit can be issued, however they are expecting direction from FDEP as to whether the MOU satisfies the Rules related to approval of the land owners, in which case the permit could be issued at any time. Michael Davis noted that Secretary Sole's letter indicated that we should try to get the permit issued if possible.

Ms. Roebling stated that the intent of the City and the FDEP board is that an easement will not be seen until a final alignment has been approved. Ms. Roebling said that all of the information that they have to date will be provided. Ms. Richards noted that she would schedule a meeting in April with the City, FDEP, Ms. Peterfreund and Ms. Parrot to discuss the information available.

Ron Miedema said that he wanted to discuss USACE Compensatory Mitigation Plan. Garrett Lips stated that Platt's Creek proposal originally included an in lieu fee program; however, based on further discussion the mitigation would be considered permittee responsible – off-site mitigation. The City and County would be co-applicants. A separate permit for off-site mitigation would be process. The permit, if issued, would define a service area and would have a credit ledger for tracking mitigation debits for future projects.

Mr. Krane noted that the meeting minutes to the teleconference held to discuss the technical document review held been sent to Mr. Lips, and asked if there was any further response needed to the Corps comments. Mr. Lips said that there was no further action needed.

Next Team Meeting

The next Working Group Meeting will be held on March 18, 2010 at 2:00 p.m.

Mr. Krane noted that the summary of follow-up activities includes:

- Amending the meeting minutes to the suggestions made.

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

MEETING MINUTES

Meeting Date: February 11, 2010 **Date Issued:** February 17, 2010
Location: Conference Call
Project Name: Crosstown Parkway Extension
Purpose: Permitting of Platts Creek
Notes by: Anna Peterfreund **American Project #:** 5079986
Copies to: All attendees; Keith and Schnars

<u>Attendees</u>	<u>Representing</u>	<u>Phone</u>	<u>Fax or e-mail</u>
Anna Peterfreund	American	706-508-4029	Anna.peterfreund@acp-ga.com
Deborah Wegman	USACE	904-232-3942	Deborah.L.Wegmann@usace.army.mil
Vivian Gerena	USACE	904-232-2209	Vivian.Gerena@usace.army.mil
John Griffin	USACE	904-232-1680	John.griffin@usace.army.mil
Ron Miedema	EPA	561-616-8741	miedema.ron@epa.gov
Lynn Kiefer	Kimley-Horn	772-794-4075	lynn.kiefer@kimley-horn.com
Garett Lips	USACE	561-472-3519	Garett.G.Lips@usace.army.mil
Erik Reusch	USACE	561-472-3259	Eric.G.Reusch@usace.army.mil
Brandon Howard	NMFS	561-616-8880 ext. 210	brandon.howard@noaa.gov
Bobbie Richards	City of PSL	772-871-5177	brichards@cityofpsl.com
Kim Graham	City of PSL	772-871-5177	KimG@cityofpsl.com
Jerry Bentrott	City of PSL	772-871-5177	JBentrott@cityofpsl.com
Roxanne Chesser	City of PSL	772-871-5176	roxannec@cityofpsl.com
Patricia Roebeling	City of PSL	772.871.5174	patr@cityofpsl.com
Anita Bain	SFWMD	561-682-6866	abain@sfwmd.gov

The following notes reflect our understanding of the discussions and decisions made at this meeting. If you have any questions, additions or comments, please contact us at the above address. We will consider the minutes to be accurate unless written notice is received within 10 working days of the date issued.

The meeting started at 10:30 am with introductions. Anna briefly described the Crosstown project and proposed use of the Platts Creek site.

Deborah mentioned that the USACE is currently preparing guidance to the field regarding the federal mitigation rule and provide better definitions of what constitutes a mitigation bank, in-lieu fee program, and permittee responsible mitigation projects in Florida. Mitigation banks are reserved for projects that are a commercial venture. In-lieu fee programs are typically proposed for a regional watershed where multiple projects would be mitigated. Because this is a single mitigation site specific for the Crosstown Parkway and the County's future roadway work program, and will not be a commercial venture, Deborah feels that Platts Creek site should be permitted as a permittee responsible mitigation project. This would not have to go through the mitigation banking process and the Inter-Agency Review Team (IRT) review process.

Garett explained to Deborah that the Platts Creek site is 80 acres in size with residual credits after the Crosstown project. The County will maintain the site and ensure the success of the site even though the City is implementing the wetland creation. That is why the in-lieu fee program was discussed.

Vivian stated that the biggest difference between the types of mitigation permitting is the level of watershed planning. The in-lieu fee program has the most rigorous level.

Brandon Howard then went over the preferred methods of mitigation permitting as stated in the federal regulations. The most preferred is mitigation banking with the in-lieu fee program as the second most preferred and permittee responsible as the least preferred. He went on to say that this project does not seem like it would fall under the permittee responsible projects and there would be benefits to setting this site up as a mitigation bank. Using the permittee responsible route, is there really a savings in the process?

Deborah responded that that is a hierarchy and that it is guidance, but that mitigation banking and in-lieu fee are for commercial ventures and that there is a savings in time with the permittee responsible mitigation route. Using the permittee responsible method, if you know you will have future projects, you can go ahead and establish more credits than needed ahead of time. There is not a 100% guarantee that credits generated will match the impacts and thus, may not be usable for that future project. Even using the permittee responsible method, the applicant has to have a master plan for the site and performance criteria established. The permittee will have to keep a log so they know how many credits are available.

When asked if Garrett was comfortable with this approach, he responded that he is flexible and will work with his supervisor to come up with a strategy. Anita also mentioned that the SFWMD would be fine with this approach.

When asked if there was a timeline in which the County had to use the residual credits, Deborah mentioned that that would be up to the local permitting office.

Garett asked if there was a name for this approach and the response was that it was called "permittee responsible mitigation project." Sometimes it is referred to as an "aggregate mitigation area" by the USACE or "site-specific mitigation area" by the SFWMD.

Garett asked that the City and County be co-applicants. The City responded that they would not have a problem with that and the County would probably prefer this as well.

John inquired about the status of the site to date and whether anything had been accomplished. The response was that nothing had been accomplished since the permitting effort in 2000. The detention pond was constructed as a water quality project, but that was not part of the overall mitigation plan for the site.

Deborah then mentioned that she will meet with Garrett to discuss how to permit this site and then will turn things over to him and he can advise the City where to go from there. They were going to try to meet later today. Garrett would then get together with Anna and the City to go over the specifics.

Lynn asked for confirmation that the City and County would be co-applicants on the mitigation area and that it would be permitted separately. Garrett thought it would be easiest to make the mitigation site a separate permitting effort.

Ron ended the meeting by thanking the USACE for their input and pointing the City in the right direction on this project. The meeting ended at 11:05 am.

Follow-up call with Garrett Lips on 2/16/10

After the call, the attendees from the Jacksonville office contacted Garrett Lips to discuss the strategy of the Platts Creek initiative further. Garrett confirmed that the City would use the permittee responsible method to permit the Platts Creek site. As part of this, the City will submit a detailed mitigation plan similar to a prospectus for a mitigation bank. Garrett sent Anna a copy of the mitigation plan requirements for use on this. Using this method, construction of the Platts Creek site would have to begin no later than 6 months after construction of the bridge began. The residual credits for use by the County would be available to the County indefinitely. A special condition would be added to the permit to discuss the residual credits. The review of the application will be done through Garrett's office.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – January 21, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrrott, Acting City Manager – City of Port St. Lucie
Patricia Roebling, P.E., City Engineer – City of Port St. Lucie
Roxanne Chesser, P.E., Engineering – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Morteza Alian, P.E. – Florida Department of Transportation
Michael Davis - Keith and Schnars, P. A.
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Brian Mirson P.E. – American Consulting Engineers of Florida, LLC
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
Lisa Stewart, P. E. - Kimley-Horn and Associates, Inc.

Attendees by Telephone:

Ann Broadwell – Florida Department of Transportation
Anna Peterfreund – American Consulting Engineers of Florida, LLC
Brian Barnett – Florida Fish and Wildlife Conservation Commission (URS)
Hugo Carter – South Florida Water Management District
Ron Miedema – US Environmental Protection Agency
Tom Butler – FDEP Division of State Lands
Brandon Howard – US National Marine Fisheries
Garett Lips – US Army Corps of Engineers
Larry Weatherby – American Consulting Engineers of Florida, LLC
Mindy Parrott – South Florida Water Management District
Vicki Sharpe – FDOT Central Office

Introductions

Introductions were made and John Krane noted that attached to the day's agenda were the Final Meeting Minutes from the November meeting and the Draft Meeting Minutes from the December meeting. Mr. Krane asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. There were no changes or comments and Mr. Krane said that the minutes would be finalized and distributed after the meeting.

Schedule Review

Technical Reports – Mr. Krane noted that the comments for the Noise Report, from FDOT Central Office, FDOT District 4, and the City are presently being addressed and are scheduled to be completed by the end of January.

DEIS – Mr. Krane noted that the DEIS was submitted to the City in December 2009. Keith and Schnars received comments from the City on January 11, 2010. The comments are currently being reviewed and revisions are being made to the DEIS.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – January 21, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

After the revisions are made to the first draft DEIS, the second draft DEIS is scheduled to be delivered to FDOT District 4 and FDOT Central Office in early February.

Mr. Krane noted after a 30-day review by FDOT District 4 and Central Office, the DEIS is scheduled to be submitted to FHWA and the cooperating agencies by late March or early April, with approval scheduled for October 2010.

Public Hearing – Mr. Krane said that the Public Hearing is scheduled for November 2010, but that it would be moved up if possible. He also noted that a preferred alternative should be selected after the Public Hearing.

VE Meeting – Mr. Krane said that the VE Meeting will be held in March 2011 (after the Public Hearing). Mr. Krane mentioned that after a preferred alternative is chosen, it would be easier for the VE Team to focus on the project specifics.

Mr. Krane noted that when the Tunnel Concept Report is submitted to FDOT/CEMO, it will be their first time reviewing the report. Mr. Krane asked FDOT whether or not advance coordination was needed with FHWA on the Tunnel Report. Beatriz responded that she had spoken with George Hadley, and that this was not necessary.

Follow-Up Items from Last Month

It was decided that the follow-up items would be discussed as part of the Conceptual Environmental Resource Permit Review Update, since the follow-up items were pertinent to that issue.

Open Discussion

DEIS

Mr. Krane asked how many copies of the DEIS would District 4 and CEMO need for their review. Beatriz Caicedo-Maddison noted that District 4 would need a minimum of 2 hard copies along with 3 CDs.

Vicki Sharpe requested 8 hard copies and 2 CDs for CEMO. Patricia Roebeling said that delivering 8 hard copies to CEMO would be fine, since it could help in facilitating the review.

Ms. Caicedo-Maddison noted that more time may be needed to review the DEIS than the previously agreed upon 30 days. She mentioned the collaboration of comments between District 4 and CEMO as the reason for needing additional time. This would help to streamline the schedule by facilitating a coordinated review.

Jerry Bentrrott warned against deviating from the 30-day review time, which had been discussed and agreed upon, and the risk of throwing off the overall schedule.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – January 21, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Ms. Sharpe mentioned that a special provision had been made to have CEMO review the DEIS concurrently with District 4. She also noted that 30 days would be a tight schedule to review the DEIS and agreed with Ms. Caicedo-Maddison that additional time may be needed.

Ms. Caicedo-Maddison suggested being allowed a 30-day review of the DEIS, and an additional two more weeks to coordinate comments with CEMO.

Ann Broadwell suggested that 2 weeks after the DEIS is delivered to District 4, a conference call be scheduled with District 4 and CEMO to determine the time frame needed to complete the review.

Mr. Alian stated that some reviewers will only focus on their specific areas of expertise and not the entire document. Ms. Broadwell noted that it may be difficult to review the DEIS by only looking at a certain section of the document.

Michael Davis said that the City was able to keep their review time to less than 30 days, and that Keith and Schnars will be attempting to respond in less than 30 days. He indicated that Keith and Schnars would be willing to shorten our response time by one week, and give one extra week to FDOT if it would be helpful to District 4 and CEMO. That way the overall schedule would not be compromised.

Ms. Sharpe restated that it would be difficult with so many reviewers to consolidate all of the comments from the various reviewers, and to complete the review within the allotted time. Ms. Caicedo-Maddison mentioned that the best effort will be made to provide comments in a timely manner. Mr. Alian noted that the review schedule has been known for some time, and that FDOT should stick to it.

Ms. Sharpe pointed out that there had been difficulties in the past trying to download the technical documents, which complicated their ability to meet a 30-day review.

Mr. Krane asked District 4 members to inform him after receiving the DEIS if the review can be completed in 30 days. Mr. Alian added that District 4 will try to complete the review within the 30-day period.

Ms. Roebling noted that the City is committed to staying on schedule and urged everyone else to do the same.

Paul Cherry suggested to District 4 and CEMO, to use the form that Kimley-Horn developed in preparing the comments for the DEIS. Mr. Cherry said that he would send the form out to the agencies, if needed.

Garret Lips mentioned that there is presently a tunnel project underway in Miami, and that having a tunnel boring machine in the South Florida area should be considered when exploring the cost of

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – January 21, 2010
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

the tunnel alternatives in the DEIS. Mr. Krane noted that this was taken into consideration when preparing the Tunnel Concept Report.

Conceptual Environmental Resource Permit Review Update

Brian Mirson discussed the meetings held earlier in the month with St. Lucie County, and that the City was in the process of developing a MOA (Memorandum of Agreement) with the County. He also mentioned that subsequent conversations took place with the US Army Corps and SFWMD.

He explained that a MOU (Memorandum of Understanding) was agreed to with FDEP, and that they were in the process of preparing the RAI (Request for Additional Information) on the conceptual Environmental Resource Permit with the SFWMD. He also noted that the Proprietary Mitigation Plan will continue to move forward, and that the City had executed an option on 50% of the proprietary mitigation.

Ron Miedema referred to the draft December meeting minutes and asked why the US Environmental Protection Agency wasn't involved in the mitigation discussions as was agreed upon. Mr. Mirson said that the Environmental Protection Agency should have been involved in this meeting. Mr. Miedema said that he wanted to schedule a meeting on the subject.

Brandon Howard noted that the US National Marine Fisheries should also have been invited to this meeting. Mr. Krane added that George Hadley (FHWA) and Darayl Tompkins (US Coast Guard) should also be included.

Next Team Meeting

The next Working Group Meeting will be held on February 18, 2010 at 2:00 p.m.

Mr. Krane noted that the summary of follow-up activities includes:

- Mr. Mirson will coordinate meetings with US Coast Guard, EPA and FHWA.
- Revisions to the DEIS will continue, and the document will be delivered to District 4 and CEMO in early February.

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

MEETING MINUTES

Meeting Date: January 12, 2010 **Date Issued:** January 22, 2010
Location: American office, West Palm Beach
Project Name: Crosstown Parkway Extension
Purpose: Federal agency input
Notes by: Anna Peterfreund **American Project #:** 5079986
Copies to: All attendees, file

<u>Attendees</u>	<u>Representing</u>	<u>Phone</u>	<u>Fax or e-mail</u>
Anna Peterfreund	American	706-508-4029	Anna.peterfreund@acp-ga.com
Kristine Stewart	Keith and Schnars	954-776-1616	kstewart@keithandschnars.com
Brian Mirson	American	561-307-0068	bmirson@ace-fla.com
Patricia Roebeling	City of PSL	772.871.5174	patr@cityofpsl.com

<u>Via Phone</u>	<u>Representing</u>	<u>Phone</u>	<u>Fax or e-mail</u>
Anita Bain	SFWMD	561-682-6866	abain@sfwmd.gov
Mindy Parrott	SFWMD	772-223-2600	mparrott@sfwmd.gov
Roxanne Chesser	City of PSL	772-871-5177	roxannec@cityofpsl.com
Bobbie Richards	City of PSL	772-871-5177	brichards@cityofpsl.com
Kim Graham	City of PSL	772-871-5177	KimG@cityofpsl.com
Jerry Bentrott	City of PSL	772-871-5177	JBentrott@cityofpsl.com
John Wrublik	USFWS	772-562-3909	John_Wrublik@fws.gov
Larry Weatherby	American	813-435-2696	lweatherby@ace-fla.com
Brandon Howard	NMFS	561-616-8880 Ext. 210	Brandon.Howard@noaa.gov
Garett Lips	USACE	561-472-3519	Garett.g.lips@usace.army.mil

The following notes reflect our understanding of the discussions and decisions made at this meeting. If you have any questions, additions or comments, please contact us at the above address. We will consider the minutes to be accurate unless written notice is received within 10 working days of the date issued.

The meeting was scheduled to begin at 9:00 a.m. While we were waiting for attendees to arrive, Brian mentioned that we met with St. Lucie County staff regarding possible use of the Platts Creek property owned by the County, and that we're putting together an MOA for a joint mitigation project. Half of the mitigation would be for the Crosstown project, the other half for future county projects.

Anna narrated a PowerPoint presentation entitled Crosstown Parkway River Crossing Presentation of Proposed Mitigation Plans (see attachment). During the presentation several comments and questions were asked.

Patricia said that the City would be sending out their comments on the DEIS on January 12 or 13.

For the slide on functional loss, Anita suggested that acres of impact also be shown (this has been updated for the attachment).

John Wrublik asked about the history of the Platts Creek parcel and under what funding source was it purchased. Brian explained that it was originally a citrus grove, and that he thought it had been purchased by the County using conservation funds. So far only the pond was constructed.

Mindy asked a question on slide no. 19 about the assumptions used in the UMAM assessment. Anna responded that 4 or 5 different scenarios were run using different assumptions. Mindy said that she received an e-mail from the County regarding the time line for use of the mitigation credits, specifically asking about how long the future credits would be available. Mindy said that they would be available as long as the site is in compliance with the permit requirements.

While discussing the DEP MOU slides, Anna mentioned that the expected mangrove impacts are very small, with a maximum impact of only 0.27 acres expected for the worst case alternative.

Kris Stewart mentioned that the proposed recreational improvements will be important to FHWA for offsetting Section 4(f) impacts.

During the show, Brian asked rhetorically, "will the state and federal agencies recognize the value of doing that amount of mitigation now rather than waiting until we have a selected alternative, where the actual required mitigation would be less?" He pointed out that between the proprietary mitigation plan and proposed regulatory mitigation plan, the City is providing over 150 acres of mitigation for 15 to 18 acres of impacts.

At the end of the presentation Anna asked if there were any comments, questions or concerns. John Wrublik asked for a copy of the PowerPoint show so that he could study it in more detail. Brian said that we would provide the Platts Creek UMAM spreadsheet to Mindy, and that the new draft MOA with the County would be sent to SFWMD for their review and comments as well. Brian said that the presentation would be sent to all of the "players" (representatives of USACE and NMFS had been invited but did not attend the GoTo Meeting). He also said that a follow up meeting would be scheduled in about a month to go over any comments, etc.

The call ended at about 9:50 a.m.

NMFS

Following the meeting, a separate conference call meeting was held with Brandon Howard of the National Marine Fisheries Service. We gave him an abbreviated version of the presentation.

Brandon asked how the future credits within Platts Creek would be preserved. He went on to state that the new rule by EPA makes it difficult for the USACE to hold credits for future projects. Ultimately though, the USACE will have to make that decision.

Brian explained our possible mangrove mitigation opportunities through the proprietary mitigation plan since mangrove credits will not be available through Platts Creek. We are removing exotics from the Evans property (approximately 50 acres), of which consists largely of mangroves. In addition, the oxbow reconnections would provide additional EFH and feeding grounds.

Brandon asked what the worst case impacts to mangroves were? Anna responded 0.27 acres. He also asked if the locations of the oxbow reconnections had mangroves or were suitable for mangroves. The answer was "yes, in some locations".

Brandon went on to state that mangrove mitigation sounded reasonable but his caveat was that he has not seen the DEIS yet so he has not reviewed the avoidance and minimization measures and therefore, cannot lower the red flags yet. He also asked for a copy of the presentation (attached).

USACE

Following the meeting, a separate conference call meeting was held with Garrett Lips of the U.S. Army Corps of Engineers. We gave him an abbreviated version of the presentation and discussed in detail the proposed regulatory mitigation plan.

Based on our previous conversation with Brandon Howard, we brought the subject up with Garrett to verify if the County could use credits from Platts Creek on future projects. Garrett responded that unless the County had specific projects in mind and an approximate let date, it is difficult. He then suggested that this type project and mitigation would be considered an in-lieu fee program. With the in-lieu fee program, the County would then be able to use credits from their mitigation project on future projects. However, an application would have to be submitted to USACE to receive the in-lieu fee program which can take up to 280 days to receive. The application consists of developing a Prospectus that includes a defined service area. Once this was approved, the County would then write an Instrument that would have extra credits for future projects. The in-lieu fee program would be finalized in accordance with the 2008 mitigation rule. Garrett said he would send information on this rule via email. He also said he would be happy to be on a call with the County to go over the application, rules, etc.

Garrett went on to explain that the entity who is administering the in-lieu fee instrument (the County) would have to show resources are available for maintenance and monitoring. They should show that their budget includes funds to maintain the site. Garrett suspects all of this information was provided in the previous submittals for permits for the mitigation bank and would just need to be updated with the latest information and to comply with the latest rules.

Once all documents are submitted, there is a public notice and the application goes through a review team. The restoration project and in-lieu fee program can be done at the same time.

We also brought up the mangrove issue with Garrett, sharing with him what Brandon Howard thought of our possible use of the proprietary mitigation projects to offset impacts to mangrove, given how small the impacts are. Garrett said that would be fine but would need to be able to quantify the impacts and mitigation. That is, quantify how much is being enhanced at Evans Creek and quantify the improvements to mangroves of the water quality improvement projects. He also suggested that we could probably buy credits at the Bear Point Mitigation Bank even though the project is outside the service area, due to the small amount of impacts. A credit at Bear Point is estimated to be \$80,000.

Crosstown Parkway River Crossing

January 12, 2010

*Presentation of
Proposed Mitigation
Plans*

CITY of
**PORT
ST. LUCIE**



Issues Identified in Planning Process

- During the Efficient Transportation Decision Making (ETDM) screening, **various agencies assigned a “dispute resolution” or “substantial degree of effect”** (the highest levels of concern available) on the following categories:

- Special Designations
- Recreation Areas
- Secondary and Cumulative Effects
- Water Quality and Quantity
- Wetlands
- Wildlife and Habitat
- Coastal and Marine
- Floodplains
- Social
- Relocations

Project Published 10/08/2008

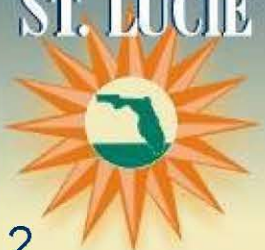
Legend

- 10A: 10A / No Involvement
- Enhanced
- None
- Minimal (after 12/5/2008)
- Moderate
- Substantial
- Dispute Resolution (programming)

Evaluation of Direct Effects

	Natural	Cultural	Community	Secondary and Cumulative Effects
Alternative #1 From Crosstown Pkwy and Manth Lane To US 1 at Village Green Drive Reviewed from 6/30/2008 to 8/14/2008 Published on 10/5/2008	4	3	4	4
Alternative #2 From Crosstown Pkwy and Manth Lane To US 1 at Walton Road Reviewed from 6/30/2008 to 8/14/2008 Published on 10/5/2008	4	3	4	4
Alternative #3 From Crosstown Pkwy and Manth Lane To US 1 at Walton Road Reviewed from 6/30/2008 to 8/14/2008 Published on 10/5/2008	4	3	4	4
Alternative #4 From Crosstown Pkwy and Manth Lane To US 1 at Sevenside Club Blvd Reviewed from 6/30/2008 to 8/14/2008 Published on 10/5/2008	4	3	4	4
Alternative #5 From Crosstown Pkwy and Manth Lane To US 1 Reviewed from 6/30/2008 to 8/14/2008 Published on 10/5/2008	4	3	4	4
Alternative #6 From Crosstown Pkwy and Manth Lane To US 1 Reviewed from 6/30/2008 to 8/14/2008 Published on 10/5/2008	4	3	4	4

- It was determined an Environmental Impact Statement was the appropriate class of action
- Typically dispute resolutions are resolved prior to moving forward with environmental studies:
 - FHWA and FDOT allowed the City to move forward with the EIS and resolve disputes through the EIS and Conceptual ERP processes
 - **The Conceptual ERP may serve as a catalyst to resolve the dispute resolution**

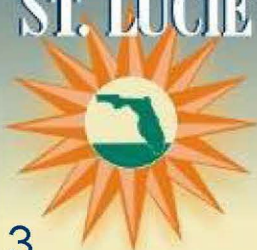


The EIS Integrated process



Purpose

- To provide **additional bridge capacity** within the City to accommodate the existing and projected travel demand, **improve emergency response**, and improve hurricane evacuation.
- To **relieve the existing corridors** throughout the City of their **highly congested conditions**.
- The bridge crossing over the North Fork St. Lucie River is the most critical segment of the Crosstown Parkway corridor.

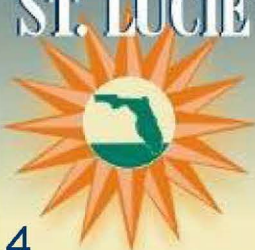


The EIS Integrated Process

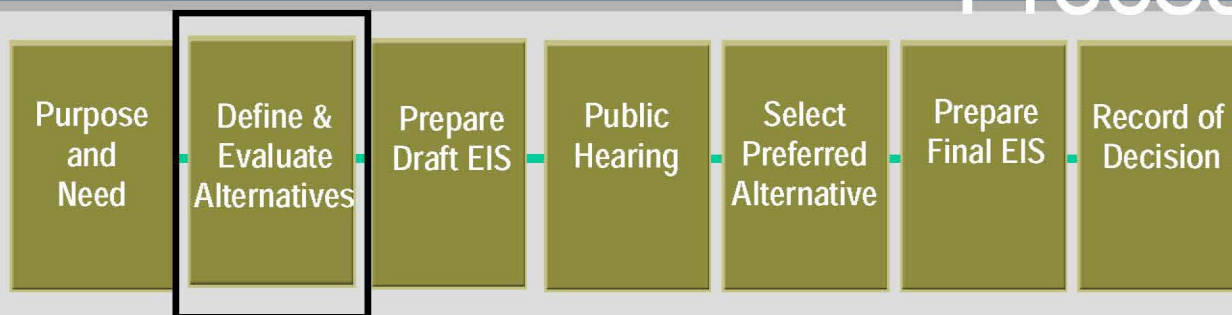


Need

- The City has experienced substantial growth in the last two decades and is one of the top cities in terms of growth in the nation.
- The Port St. Lucie and Prima Vista Boulevard bridges are the only two means within the City to cross the North Fork St. Lucie River. **Currently, both bridges exceed their daily capacity.**
- The **traffic volume crossing the river is projected to increase** from 105,000 vehicles to over 156,000 vehicles in 2037, an increase of **over 48%.**
- This congestion will only be exacerbated by continued growth resulting in delays to motorists and **negative impacts to emergency response and safety.**

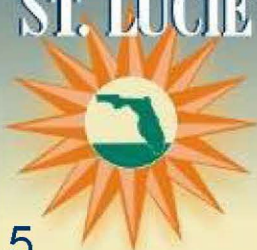
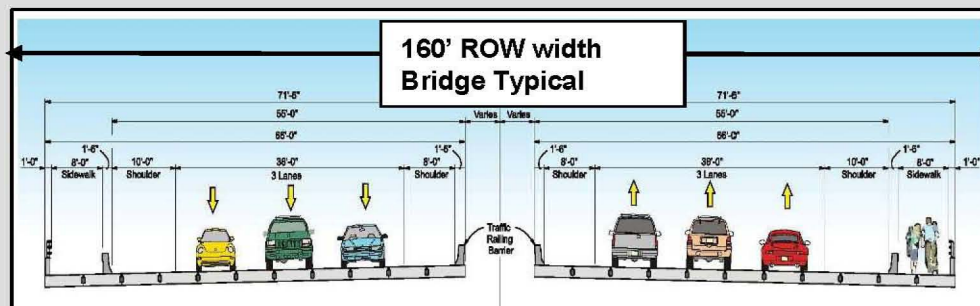


The EIS Integrated Process



Define Alternatives

- **Numerous corridors were evaluated** in the initial screening process
- Six build alternatives along with the a no build alternative have been brought forward and are under review
- **All viable alternatives impact environmentally sensitive lands**

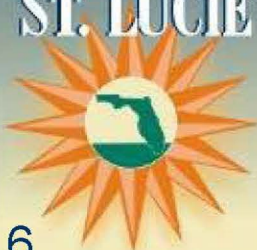


The EIS Integrated Process



Avoidance and Minimization Techniques

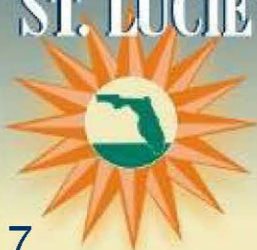
- **Bridging** environmentally sensitive lands
- Bridge typical **width reduced** to minimize impacts under the bridge
- Bridge construction techniques will be used to **avoid temporary fill in wetlands**
- **Maximized span lengths** to reduce the number of piers and pier bents
- **Pond sites** were re-evaluated to be **placed outside of the state park** where possible
- **Construction limited to easement** through preserve
- **Scuppers not used** for build alternative
- **Wildlife corridors** will be maintained
- **Manatee protection** measures will be used



The EIS Integrated Process



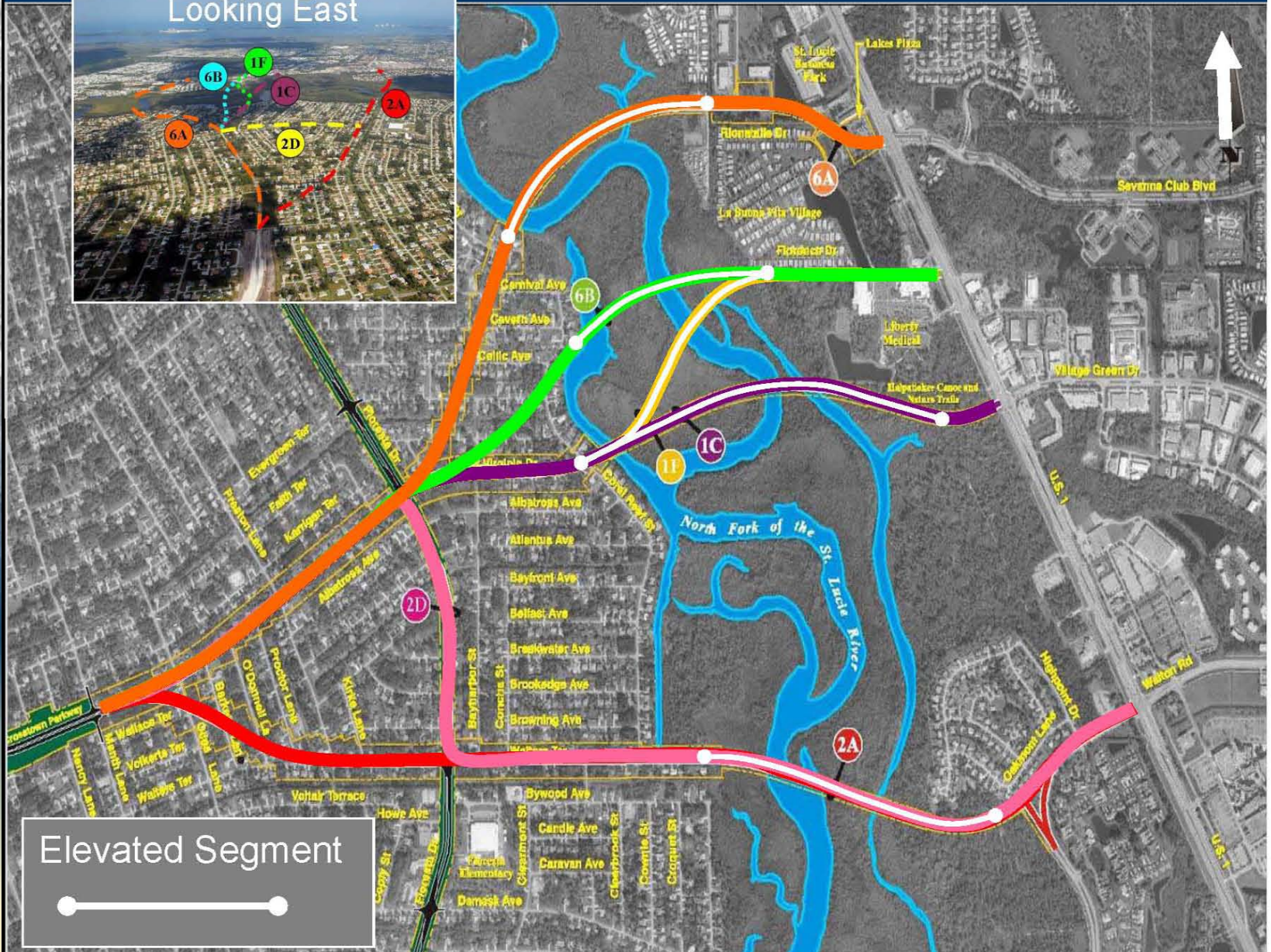
- The **preparation of the draft EIS is underway** with submittal scheduled in early 2010.
- The Public Hearing is scheduled for the fall of 2010 at which time a **preferred alternative is expected to emerge**
- The preferred alternative is **chosen through the information collected and the balancing of all potential impacts vs. the benefits.**
- The final EIS will then be prepared for FHWA's concurrence



CITY of
**PORT
ST. LUCIE**



8

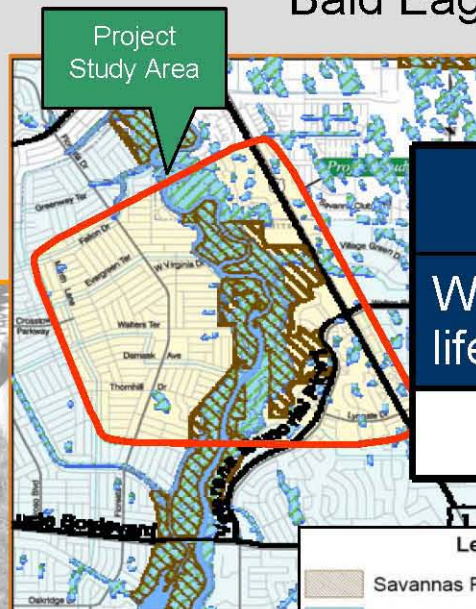


Summary of DEIS Impacts Wildlife

Observed Listed Species within Project Area

West Indian Manatee
Gopher Tortoise
Little Blue Heron
Snowy Egret
Tricolored Heron
Limpkin
White Ibis
Bald Eagle

Surveys
conducted by
both boat and
foot between
2003 and
present day



Impacts per Alternative

Wild life	1C	1F	2A	2D	6A	6B
-----------	----	----	----	----	----	----

Build alternatives have similar impacts for listed species

Legend

- Savannas Preserve State Park
- National Wetland Inventory (NWI)



CITY of
**PORT
ST. LUCIE**



Summary of DEIS Impacts Wildlife

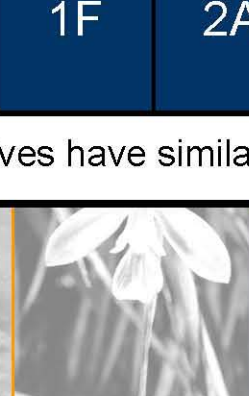
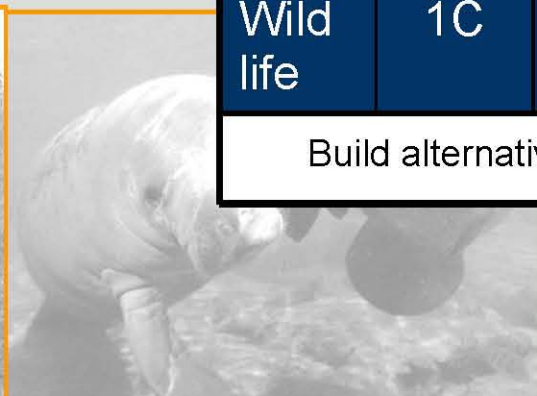
Federally Listed Species

- **No effect**
 - Sea turtles, shortnose sturgeon, American alligator, American crocodile, Florida scrub jay, Ivory-billed woodpecker, piping plover, Bald eagle, Red-cockaded woodpecker, Audubon's crested caracara, Everglades snail kite, Florida panther, Southeastern beach mouse
- **May effect but not likely to adversely affect**
 - Mangrove rivulus, Opposum pipefish, smalltooth sawfish, Eastern indigo snake, Wood stork, and West Indian manatee

Impacts per Alternative

Wild life	1C	1F	2A	2D	6A	6B
Build alternatives have similar impacts for listed species						

CITY of
**PORT
ST. LUCIE**



Summary of DEIS Impacts Wildlife

State Listed Species

- Sandhill crane, Little blue heron, Tricolored heron, Reddish egret, Snowy egret, White ibis, Limpkin, Roseate spoonbill, Florida burrowing owl, Peregrine falcon, Southeastern American kestrel, American oystercatcher, Brown pelican, Black skimmer, Least tern
- Florida mouse, Sherman's fox squirrel, West Indian Manatee
- Gopher tortoise, Florida pine snake, Gopher frog

Impacts per Alternative						
Wild life	1C	1F	2A	2D	6A	6B
Build alternatives have similar impacts for listed species						

CITY of
**PORT
ST. LUCIE**



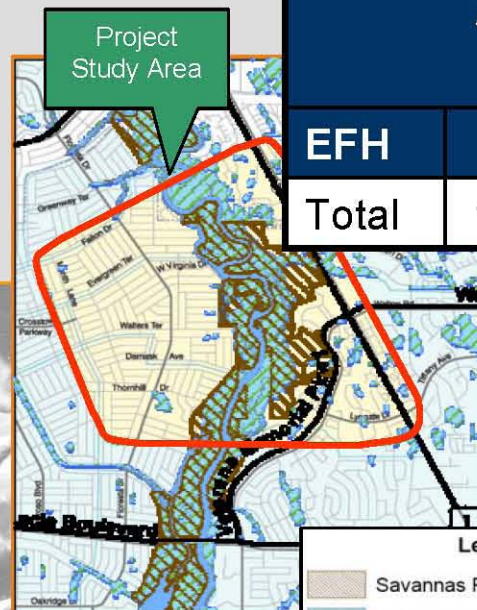
Summary of DEIS Impacts Managed Fisheries

- Habitat:**

- Estuarine Shrub/Scrub, Estuarine water column, Palustrine forested and emergent wetlands

- Species:**

- pink shrimp, white shrimp, brown shrimp, gray snapper, dog snapper, sheepshead, crevalle jack, bluefish, American eel, opossum pipefish



Acres of Impacted EFH per Alternative
(Direct impact only)

EFH	1C	1F	2A	2D	6A	6B
Total	11.95	8.42	8.25	8.25	8.56	9.40

Legend

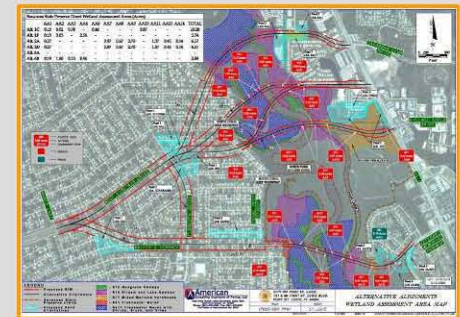
- Savannas Preserve State Park
- National Wetland Inventory (NWI)

CITY of
**PORT
ST. LUCIE**



Summary of DEIS Impacts Wetland/Upland/SSL

- **Wetland impacts** range from 5.2 to 10.6 ac
- **Upland impacts** range from 1.9 to 8.3 ac
- **Sovereign Submerged Land impacts** range from 0.8 to 1.7 ac
- **Total impacts** range from 10.8 to 19.5 ac



Footprint Acres per Alternative

	1C	1F	2A	2D	6A	6B
Wetland	10.6	6.1	6.9	6.9	7.1	5.2
Upland	7.3	4.9	8.3	8.3	1.9	3.9
SSL	1.6	1.2	2.2	2.2	0.8	1.7
Total	19.5	12.2	17.4	17.4	9.8	10.8

Evaluation Matrix

ALTERNATIVES EVALUATION MATRIX

Tier 2 Alternatives

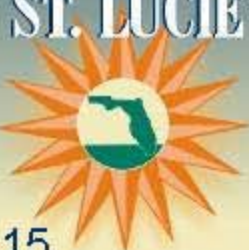
	Alternatives																	
	1C			1F			2A			2D			6A			6B		
Analysis Using Full impact of R.O.W. (Worst Case Impacts. Does not account for bridging)	Road & Bridge	Prop. Ponds	Sub-totals	Road & Bridge	Prop. Ponds	Sub-totals	Road & Bridge	Prop. Ponds	Sub-totals	Road & Bridge	Prop. Ponds	Sub-totals	Road & Bridge	Prop. Ponds	Sub-totals	Road & Bridge	Prop. Ponds	Sub-totals
Natural Environment (Updated by American Consulting Engineers except T&E Species)																		
<u>Public Land Impacts (ac)</u>																		
Wetland Habitats	10.28	0.00	10.28	5.74	0.00	5.74	5.87	0.70	6.57	5.87	0.70	6.57	0.00	0.00	0.00	2.88	0.00	2.88
Upland Habitats	3.65	0.09	3.74	1.20	0.00	1.20	5.06	3.23	8.29	5.06	3.23	8.29	0.00	0.00	0.00	0.14	0.00	0.14
Total Direct State Park Lands	13.93	0.09	14.02	6.94	0.00	6.94	10.93	3.93	14.86	10.93	3.93	14.86	0.00	0.00	0.00	3.02	0.00	3.02
Aquatic Preserves	1.60	0.00	1.60	1.17	0.00	1.17	2.20	0.00	2.20	2.20	0.00	2.20	0.79	0.00	0.79	1.72	0.00	1.72
Total Public Lands	15.53	0.09	15.62	8.11	0.00	8.11	13.13	3.93	17.06	13.13	3.93	17.06	0.79	0.00	0.79	4.74	0.00	4.74
<u>Private Land Impacts (ac)</u>																		
Wetland Habitats (Within River Corridor)	0.03	0.27	0.30	0.34	0.00	0.34	0.35	0.00	0.35	0.35	0.00	0.35	7.01	0.11	7.12	2.31	0.00	2.31
Upland Habitats (Within River Corridor)	0.00	3.59	3.59	0.03	3.68	3.71	0.02	0.00	0.02	0.02	0.00	0.02	1.29	0.56	1.85	0.04	3.68	3.72
Total Direct Private Land Impacts	0.03	3.86	3.89	0.37	3.68	4.05	0.37	0.00	0.37	0.37	0.00	0.37	8.30	0.67	8.97	2.35	3.68	6.03
<u>T&E Species Potential to Adversely Affect</u>	No			No			No			No			No			No		
<u>Totals by Type of Habitat Impact</u>																		
Total Wetlands Impacts	10.31	0.27	10.58	6.08	0.00	6.08	6.22	0.70	6.92	6.22	0.70	6.92	7.01	0.11	7.12	5.19	0.00	5.19
Total Upland Impacts	3.65	3.68	7.33	1.23	3.68	4.91	5.08	3.23	8.31	5.08	3.23	8.31	1.29	0.56	1.85	0.18	3.68	3.86
Total SSL/Aquatic Preserve Impacts	1.60	0.00	1.60	1.17	0.00	1.17	2.20	0.00	2.20	2.20	0.00	2.20	0.79	0.00	0.79	1.72	0.00	1.72
Total Natural Lands Impacts	15.56	3.95	19.51	8.48	3.68	12.16	13.50	3.93	17.43	13.50	3.93	17.43	9.09	0.67	9.76	7.09	3.68	10.77

Source: American Consulting Engineers of Florida, LLC; and Table 8.1 from Crosstown Parkway Corridor Extension Alternatives Report-June 2008 by Keith and Schnars

10/1/2009

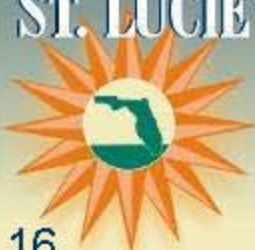
Conceptual ERP

- DEP suggested that the City obtain a Conceptual ERP from the SFWMD
 - Conceptual ERP would **provide resource agencies with technical data of project**
 - City could **determine if project is permissible**
- Determine type and quantity of mitigation required
- Obtain an agreement for an easement to cross state lands
- Determine if impacts could be mitigated for, thus resolving the disputes made during the planning phase
 - This allows the **EIS to continue without compromising process**
 - **Address objection to crossing of state lands**, wetlands, and wildlife



Hybrid Approach

- SFWMD requested that the **Conceptual ERP be submitted for only one alignment.**
- This **approach was of concern for FHWA**, as a final alignment had not yet been selected through the EIS.
- The team **proposed a hybrid approach that included the worst case impacts** among the multiple corridors **into a “representative corridor.”**
 - Representative corridor contains highest impacts from all alternatives.
 - **FHWA, FDOT and SFWMD agreed** on this approach.

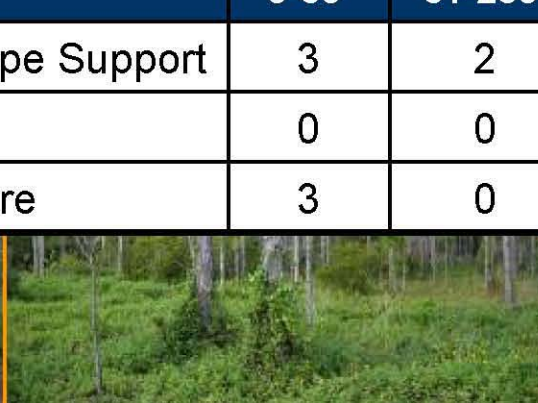
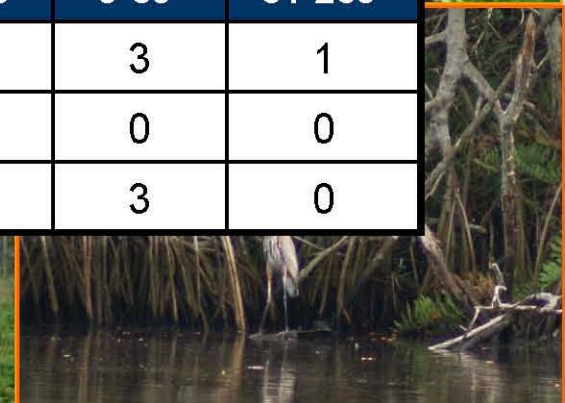


Functional Loss Methodology

- **UMAMS for primary impacts were finalized** and approved for each corridor by SFWMD in multi-agency meeting April 2009
- **Secondary impact methodology** for UMAM scoring was developed and **finalized** by SFWMD in multi-agency meeting June 2009

*Representatives from USEPA and USACE recommended a one point drop in score for these categories

UMAM Scoring Category	Decrease in UMAM Score			
	Marsh		Forested	
	0-50'	51-250'	0-50'	51-250'
Location & Landscape Support	3	2	3	1
Water Environment	0	0	0	0
Community Structure	3	0	3	0



Wetlands Functional Loss

- Functional loss varies from 5.45 to 11.46, depending on corridor
- **Representative Corridor has, by definition, the highest Wetland Functional Loss**
- Wetlands consist of
 - Mangrove swamps (612)
 - Freshwater marsh with shrubs, brush and vines (6417)
 - Stream and lake swamps (615)
- Primary impacts of **9.08**
- Secondary impacts of **2.38**
- **Total functional loss: 11.46**

(*) Florida Land Use, Cover, and Forms Classification System



Wetland Acreages per Corridor

Impact Type	1C	1F	2A/2D	6A	6B
Primary	10.58	6.08	6.92	7.12	5.19
Secondary*	29.76	22.12	19.44	18.36	19.92

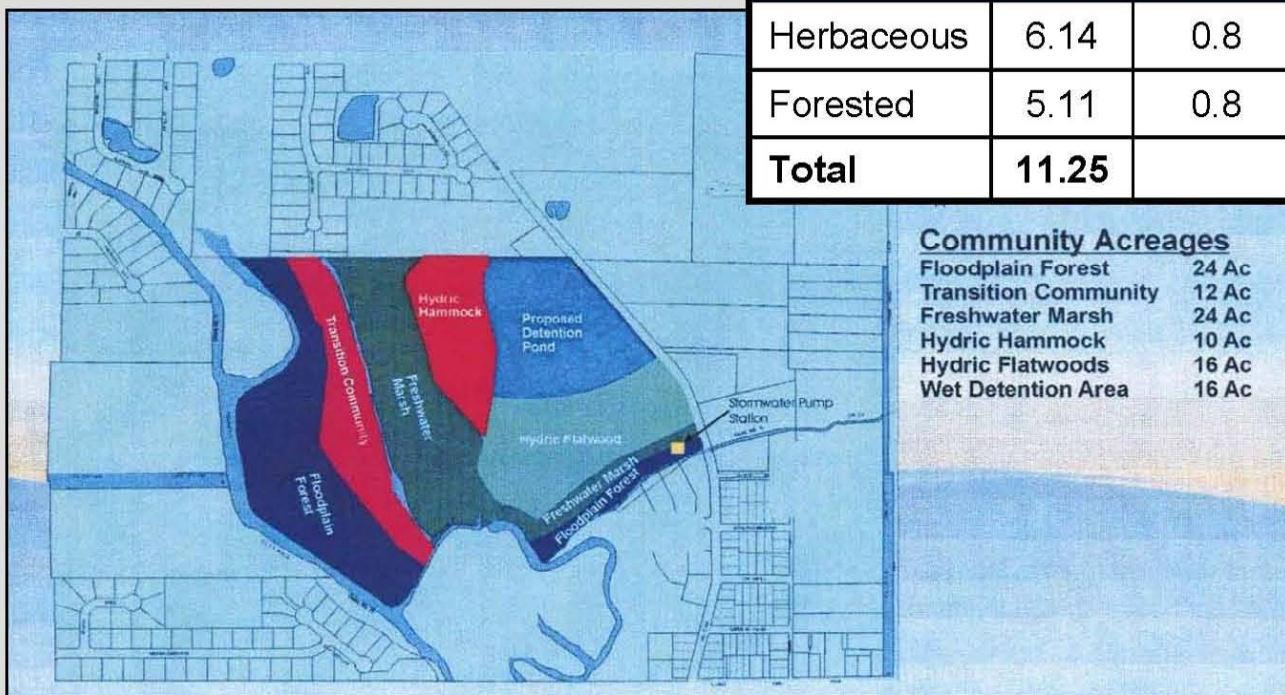
*Secondary acreages calculated using a 250' offset based on multi-agency UMAM meeting in June 2009



Regulatory Mitigation Plan

- Platts Creek Restoration Project
 - Joint collaboration between City and County
 - Currently zoned agricultural
 - Project consists of 82 acres of wetland creation of which 50% is proposed to be used for the Crosstown Parkway Project
 - Includes Woodstork mitigation
 - Excludes Mangrove mitigation (FL of 0.24)

Preliminary UMAM				
Assessment Area	FL	Delta	RFG	Acres
Herbaceous	6.14	0.8	0.47	13.06
Forested	5.11	0.8	0.21	24.33
Total	11.25			37.40

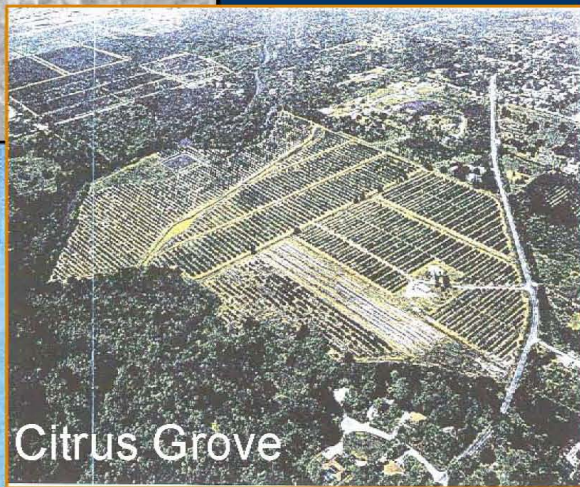


Community Acreages

Floodplain Forest	24 Ac
Transition Community	12 Ac
Freshwater Marsh	24 Ac
Hydric Hammock	10 Ac
Hydric Flatwoods	16 Ac
Wet Detention Area	16 Ac

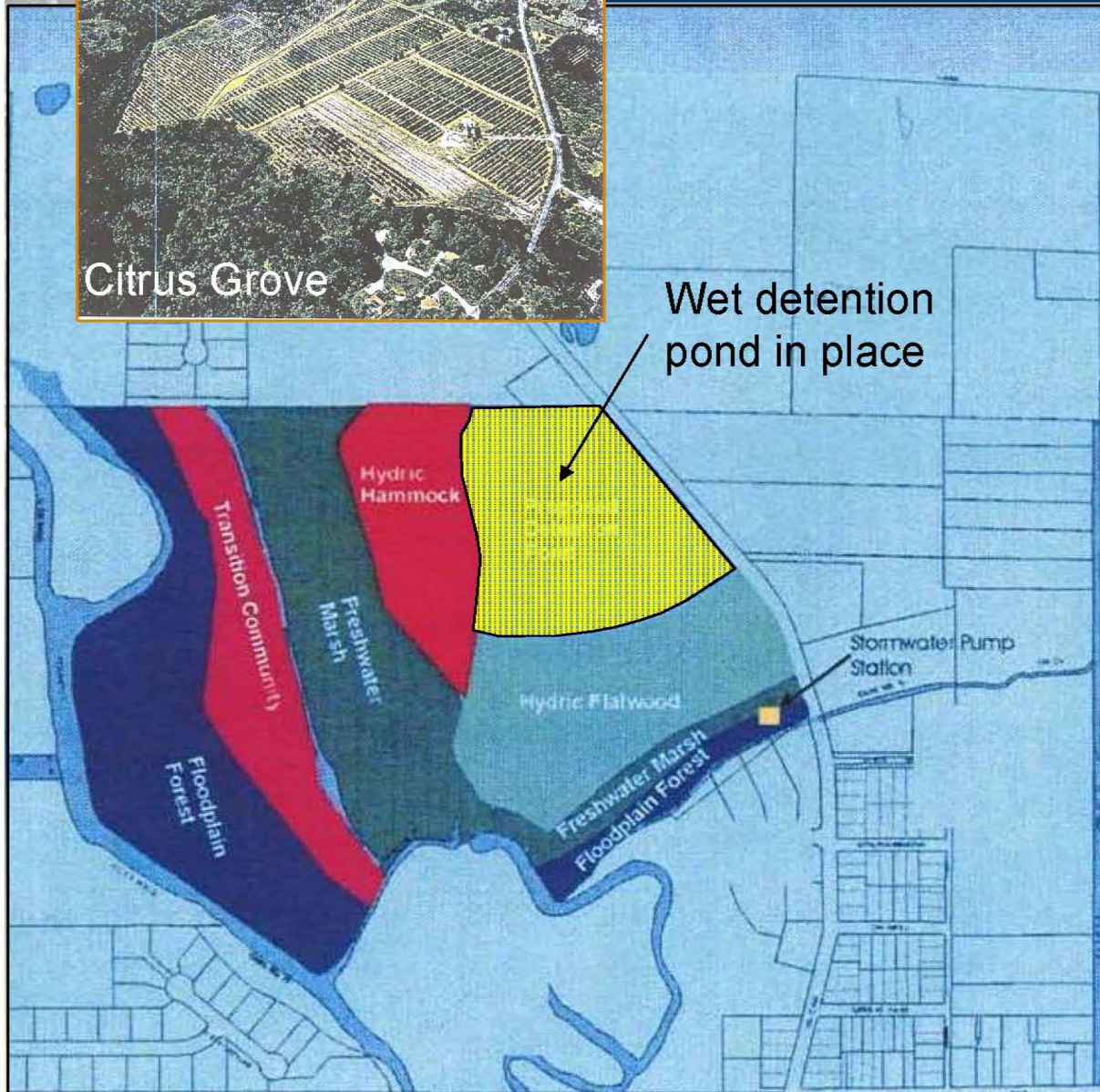


Regulatory Mitigation Plan



Citrus Grove

Wet detention pond in place



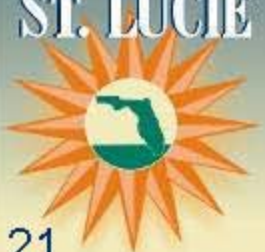
Community Acreages

Floodplain Forest	24 Ac
Transition Community	12 Ac
Freshwater Marsh	24 Ac
Hydric Hammock	10 Ac
Hydric Flatwoods	16 Ac
Wet Detention Area	16 Ac



Regulatory Mitigation Plan

- Gopher Tortoises will be relocated to approved bank, as necessary
- Permit Conditions
 - Wildlife fencing will be provided along roadway portions
 - Standard precautions for West Indian manatee and Eastern indigo snake
 - Runoff will be collected on bridge and routed to proposed stormwater ponds
 - Stormwater pollution and erosion control protection measures will be implemented.



Proprietary (DEP) Mitigation Plan

- City of Port St. Lucie and DEP agreed to the following mitigation for impacts to state lands

Water Quality Improvements:

Four restoration projects from the NFSLR Aquatic Preserve Management Plan

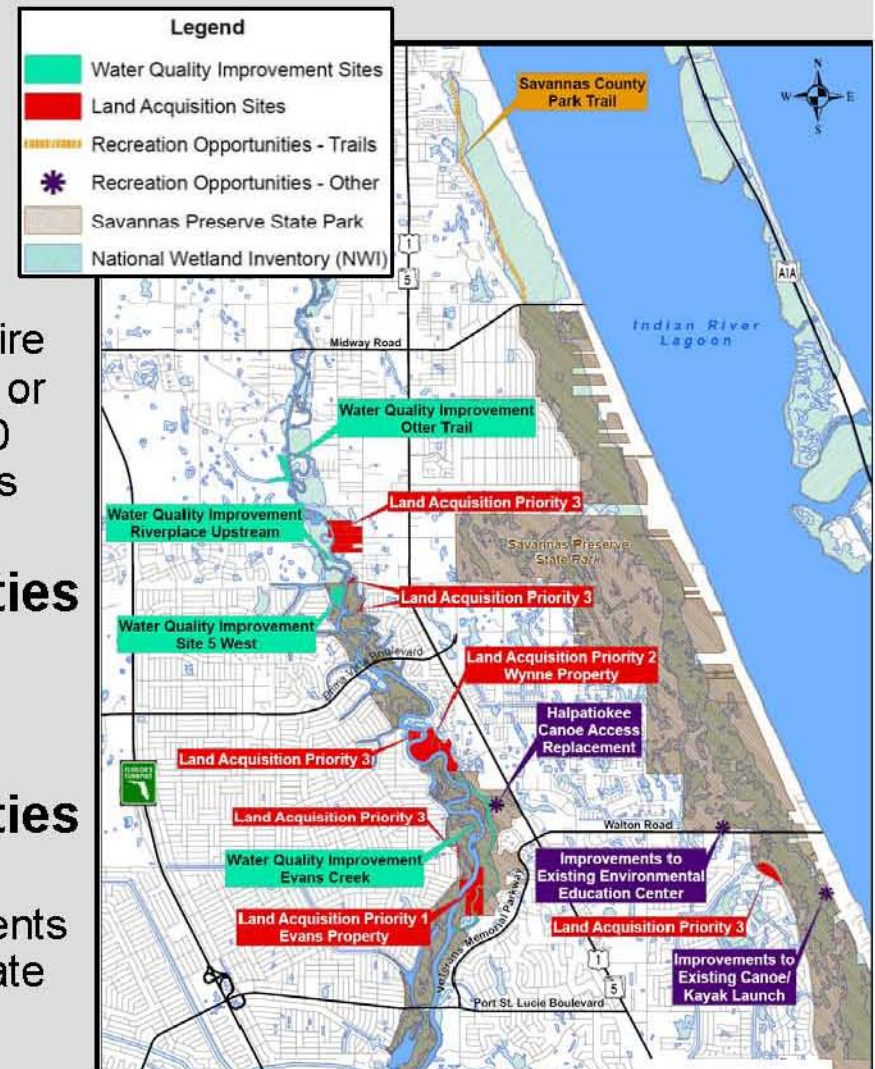
- Land Acquisition:** Acquire the priority 1 and 2 properties or properties of similar size, (110 acres) vegetative communities and like appraisal values

Recreation Opportunities – Trails:

Construction of Savannas Recreation Area Trail

Recreation Opportunities – Other:

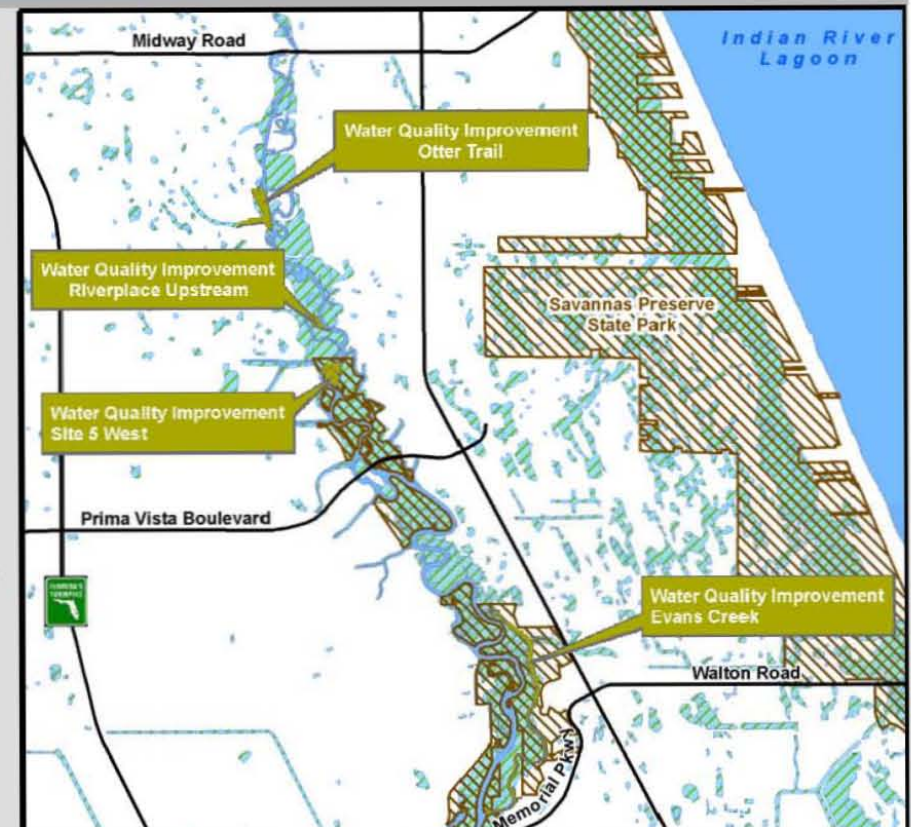
Three recreational improvements within Savannas Preserve State Park



Water Quality Improvements

- Four restoration projects to **improve water quality of NFSLR**
 - Evans Creek
 - Site 5 West
 - Riverplace Upstream
 - Otter Trail
- Roberts Upstream can be implemented in place of Otter Trail

(Costs shall not exceed \$2 million)



Hydrologic Restoration Site	Land Owner	Acres Excavated	Open Water Acres Improved	Wetland Acres Reconnected	Estimated Cubic Yards Excavated
Evans Creek	Board of Trustees	2.26*	18.68	0.00	20,000
Site 5 West	Board of Trustees	0.13	1.83	9.74	3,667
Riverplace Upstream	River Place on the St. Lucie CDD	0.74	1.65	3.83	10,000
Otter Trail	SPWMD & City of Port St. Lucie	0.10	0.00	14.48	15,777
Total		3.23	22.16	28.05	49,444.00

* Denotes Acres Dredged

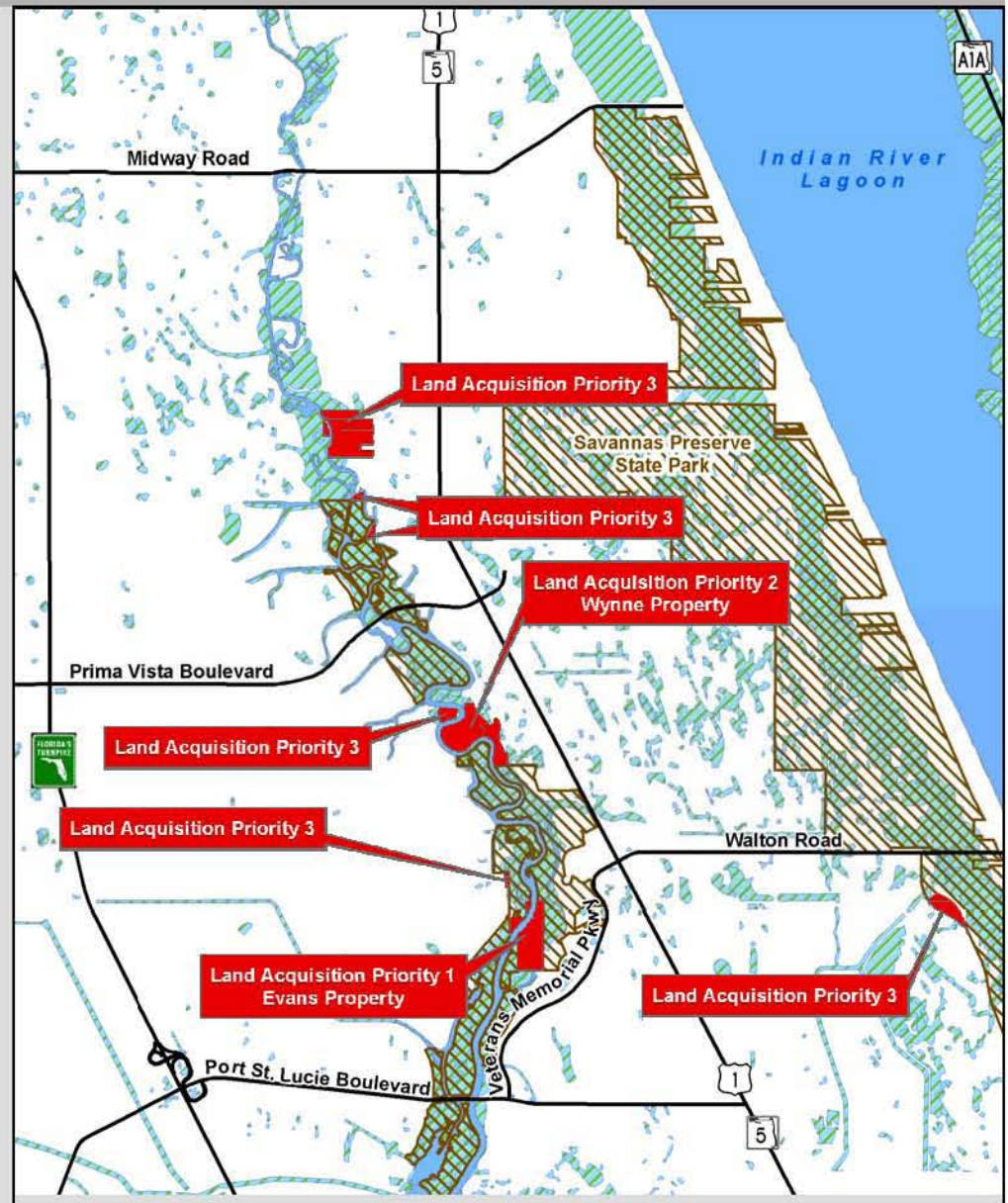
CITY of
**PORT
ST. LUCIE**



Land Acquisition

- City of Port St. Lucie will **purchase approximately 110 acres** from the list of priorities identified by DEP and convey this land to the State of Florida
- **Exotics will be removed as directed** by DEP and maintenance of exotic removal will be provided for 5 years

(Costs for seasonal maintenance and removal of exotics for a five year term shall not exceed \$700,000 total)

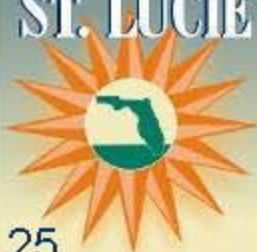


Recreation Opportunities - Trails

- City of Port St. Lucie will design, permit, and construct the Savannas Preserve Area Trail
 - Located between Savannah Road and Midway Road within the Savannas Recreation Area
 - Paved multi-use trail
 - 2.5 miles long
 - Minimum of 10' wide
 - Five boardwalk crossings



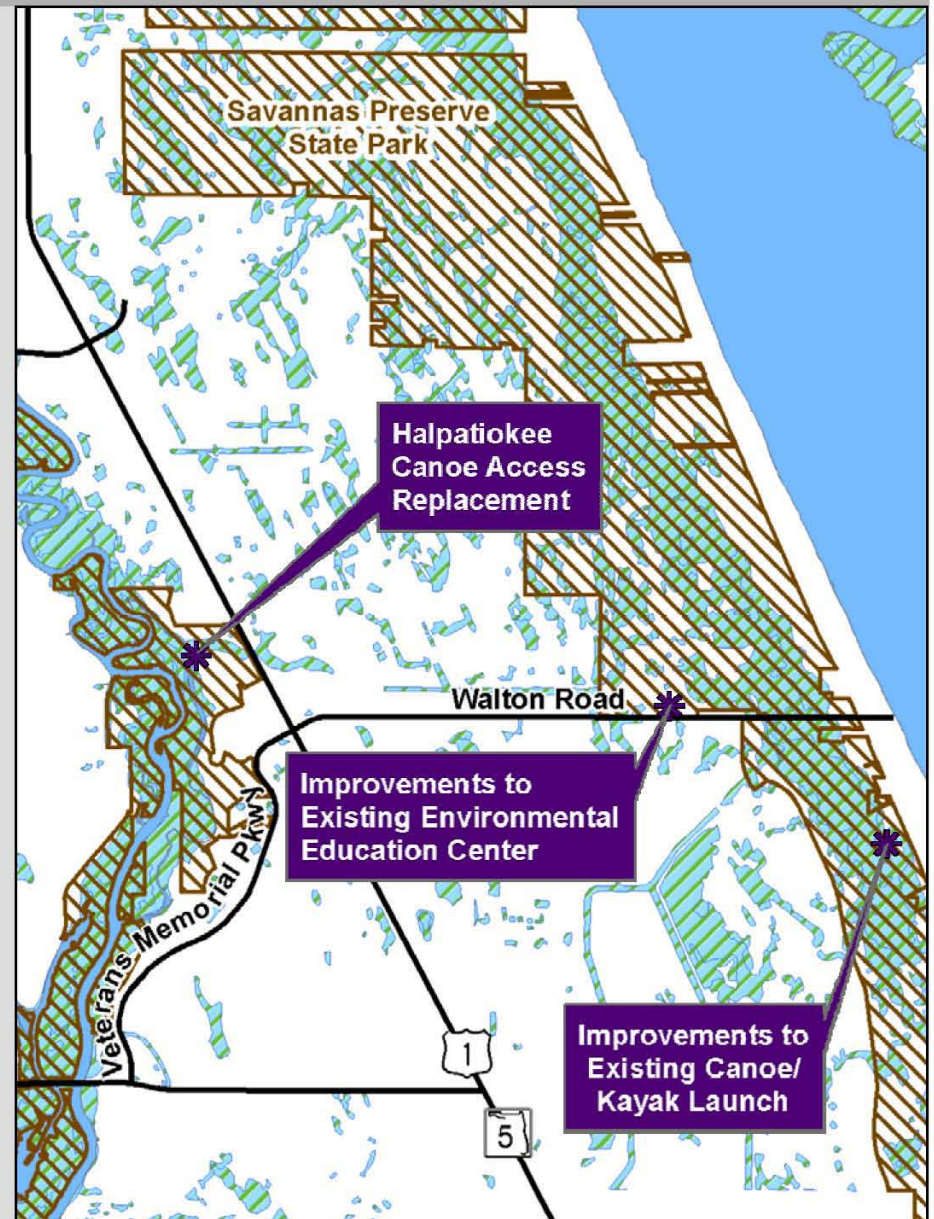
(Costs shall not exceed \$1.5 million total)



Recreation Opportunities - Other

- Halpatiokee Canoe Access Replacement
- Improvements to Existing Savannas Preserve State Park Education Center
- Improvements to Savannas Preserve State Park Canoe/Kayak Launch

(Costs shall not exceed \$2 million total for all three recreation projects)



Benefits of Proposed Mitigation

- Wetland mitigation
 - **Mitigating within same drainage basin** through wetland creation or use of Platts Creek Mitigation Bank
 - Mitigating for wetlands as if roadway through sensitive areas
 - **Secondary impacts incorporate potential impacts to wildlife**
- Land acquisition and enhancement of parcels adjacent to state park
 - Recommended by FWC during ETDM
 - **Provides additional wildlife habitat** that will remain undeveloped in perpetuity
 - **Removal of exotics** will increase quality of wildlife habitat
- Water Quality Improvements
 - **Improved water quality** will improve habitat to aquatic species
 - **Oxbow reconnections** increase potential wildlife movement



Thank you!

CONTACTS:

Patricia Roebling, PE
City Engineer
City of Port St. Lucie
121 SW Port St. Lucie Blvd
Port St. Lucie, FL 34984
772-871-5175
patr@cityofpsl.com

Anna Peterfreund
American Consulting Professionals
206 W. Hawthorne Street
Dalton, GA 30720
706-508-4029
anna.peterfreund@acp-ga.com

Brian Mirson, PE
American Consulting Engineers
2000 Palm Beach Lakes Boulevard
Suite 1000
West Palm Beach, FL 33409
561-307-0068
bmirson@ace-fla.com

CITY of
**PORT
ST. LUCIE**



Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – December 17, 2009
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Purpose: Project Team Meeting for Crosstown Parkway Extension

Attendees:

Jerry Bentrott, Asst. City Manager – City of Port St. Lucie
Patricia Roebeling, P.E., City Engineer – City of Port St. Lucie
Roxanne Chessner, P.E., Engineering – City of Port St. Lucie
Roberta Richards, Manager, Engineering Operations – City of Port St. Lucie
Beatriz Caicedo-Maddison, P.E. – Florida Department of Transportation
Morteza Alian, P.E. – Florida Department of Transportation
Michael Davis - Keith and Schnars, P. A.
John Krane, P.E. – Keith and Schnars, P.A.
Harry Fulwood, Jr. – Keith and Schnars, P.A.
Barry Ehrlich – Keith and Schnars, P.A.
Brian Mirson P.E. – American Consulting Engineers of Florida, LLC
Paul Cherry, P.E. – Kimley-Horn and Associates, Inc.
Lynn Kiefer - Kimley-Horn and Associates, Inc.

Attendees by Telephone:

Anna Peterfreund – American Consulting Engineers of Florida, LLC
Brian Barnett – Florida Fish and Wildlife Conservation Commission (URS)
Hugo Carter – South Florida Water Management District
Ron Miedema – US Environmental Protection Agency
Tom Butler – Division of State Lands
Kime Landes – Florida Department of Environmental Protection
Brandon Howard – US National Marine Fisheries

Introductions

Introductions were made and John Krane noted that attached to the day's agenda were the Draft Meeting Minutes from the November meeting. Mr. Krane asked if anyone present at the meeting or on the phone had any comments or changes to the minutes. There were no changes or comments and Mr. Krane said that the minutes would be finalized and distributed after the meeting.

Beatriz Caicedo-Maddison noted that George Hadley of FHWA would try to join the call while in progress.

Schedule Review

Technical Reports – Mr. Krane noted that all of the technical reports, with the exception of the Noise Report, have been submitted to Federal Highway Administration (FHWA) and the five Cooperating Agencies: US Fish and Wildlife Service, US Army Corps of Engineers, US National Marine Fisheries Service, US Environmental Protection Agency, and US Coast Guard, and that comments have been received for all reports.

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – December 17, 2009
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

Mr. Krane stated that FDOT Central Office, FDOT District 4, and the City delivered comments on the Noise Report on December 7, 2009. He noted that the comments are now being addressed and that a teleconference will be scheduled to discuss. Lastly, Mr. Krane noted that the Noise Report is scheduled to be delivered the FHWA and Cooperating Agencies in January 2010.

DEIS – Mr. Krane noted that the DEIS was delivered to the City on December 16, 2009. After a 30-day review the initial draft will undergo changes and is scheduled to be delivered to FDOT Central Office and District 4 around the end of February 2010 or early March

Mr. Krane noted that the first draft of the DEIS is scheduled to be submitted to FHWA and the Cooperating Agencies by late March or early April, with approval scheduled for October 2010.

Patricia Roebling stated that a streamlined and expedited review, by all reviewing agencies, would be greatly appreciated by the City, and that the City itself will make every effort to have their review completed near the beginning of January.

Michael Davis asked the City if there would be just one set of comments, from the City review and the Kimley-Horn review. Ms. Roebling and Paul Cherry both noted that the comments would be combined.

Public Hearing – Mr. Krane said that the Public Hearing is scheduled for November 2010, but that it would be moved up if possible. He also noted that a Preferred Alternative should be developed after this meeting.

VE Meeting – Mr. Krane said that the VE Meeting will be held in March 2011 (after the Public Hearing). Mr. Krane mentioned that after a preferred alternative is chosen, it would be easier for the VE Team to focus on the project specifics.

Project Update – Mr. Krane noted that the FDOT forwarded information on the Work Program funding to the City, and the City is compiling their funding information, as well.

Follow-Up Items from Last Month

Meeting minutes and letters with NMFS and USACE – Mr. Krane noted that follow-up letters and meeting minutes were sent to both NMFS and USACE regarding the teleconferences conducted to address comments on the technical reports. Brandon Howard of NMFS noted that the minutes adequately summarized their meeting.

Open Discussion

There were no comments on Open Discussion

Conceptual Environmental Resource Permit Review Update

Brian Mirson noted that the meeting with the ARC in Tallahassee was a success and that there was an agreement from ARC on the Mitigation Plan. Mr. Mirson mentioned that DEP, SFWMD and

Meeting Minutes
Crosstown Parkway Extension EIS
Team Meeting – December 17, 2009
2:00 p.m. to 3:00 p.m.
FDOT West Palm Beach Operations Center

the Florida Fish and Wildlife Conservation Commission were all present at a Roundtable discussion regarding wetland mitigation.

Lynn Kiefer asked if the federal partners (USFWS, USACE, NMFS and EPA) would be involved in the Wetlands Mitigation Plan. Mr. Mirson noted that they would be involved with the plan.

Mr. Davis noted that we will all need to meet in the future to discuss the Wetlands Mitigation Plan with Federal agencies. Mr. Howard added that he wanted to be included in this discussion, in order to prevent any surprises in the future. Mr. Mirson said that we want to make sure there are no perceived biases with the project, should a build alternative be selected.

Ron Miedema stated that he too wanted to be involved in this discussion. Lynn Kiefer suggested asking the Corps for their involvement since they will eventually have to issue a permit. Mr. Mirson added that Garrett Lips will also want to be involved. It was suggested that the invitation be extended to FHWA and all cooperating agencies.

Mr. Mirson noted that he would coordinate meetings early in the new year.

Next Team Meeting

The next Working Group Meeting will be held on January 21, 2010 at 2:00 p.m.

Mr. Krane noted that the summary of Follow-up activities included: Mr. Mirson coordinating meetings with DEP and SFWMD in early 2010, a larger group meeting concerning the mitigation plan in mid-January, and that DEIS comments are expected by mid-January from the City

These minutes were produced by Keith and Schnars, and are an attempt to capture the essence of conversations and decisions made at the meeting. They do not represent a transcript of the meeting. Any statements attributed to others have been paraphrased unless otherwise noted, and should be clarified with the individual before use or reuse in another context.

**Acquisition and Restoration Council (ARC)
Public Hearing and Council Meeting**

ARC Agenda

PUBLIC HEARING: Thursday, December 10, 2009 and
COUNCIL MEETING: Friday, December 11, 2009
TIME: 9:00 a.m.
LOCATION: The Department of Environmental Protection
Conference Room A, Marjory Stoneman Douglas Building,
3900 Commonwealth Boulevard, Tallahassee, Florida.

ITEM 1:

ANNOUNCEMENTS

ITEM 2: Consent Agenda (Friday, December 11 2009 meeting only)

CONSENT ITEMS: _____

- () APPROVE
() NOT APPROVE

OLD BUSINESS

ITEM 3:

REQUEST: Consideration and approval of the October 8 and 9, 2009 and December 4, 2009, meeting summaries.

DSL Staff Remarks: None.

DSL STAFF RECOMMENDATION: Approve the October 8 and 9, 2009 and December 4, 2009 meeting summaries.

ARC RECOMMENDATION:

NEW BUSINESS

ITEM 4:

REQUEST: Consider the proposed 2010 ARC Calendar

DSL Staff Remarks: ARC members and staff were sent the proposed calendar by email on September 24, 2009, and a revised calendar on October 13, 2009. With the exception of one irreconcilable conflict in April, ARC members expressed no objections to the proposed meeting dates.

DSL STAFF RECOMMENDATION: Approve the proposed 2010 ARC calendar.

ARC RECOMMENDATION:

LAND ACQUISITION

ITEM 5:

REQUEST: Combine Seven Runs Creek (Walton County) and North Nokuse (Walton County) into a Single Florida Forever Project

DSL Staff Remarks: Staff has received a request from Mr. M. C. Davis, the sole owner of both Seven Runs Creek and North Nokuse Florida Forever projects, to combine the two projects into a single Florida Forever project to be called Seven Runs Creek. The two properties are adjacent to each other, and both are currently on the Florida Forever "A" list as less-than-fee (conservation easement) projects.

DSL STAFF RECOMMENDATIONS: Combine the projects into a single Florida Forever project called Seven Runs Creek.

ARC RECOMMENDATION:

ITEM 6:

REQUEST: Amend the boundary of the Corkscrew Regional Ecosystem Watershed (CREW) Florida Forever Project to remove approximately 794 acres with a tax assessed value of approximately \$62,806,620.

LOCATION: Lee County

DSL Staff Remarks:

The South Florida Water Management District (SFWMD) requests the revision of the CREW project's southern boundary to delete approximately 794 acres. A revised southern boundary would mirror similar action taken by the SFWMD Governing Board in February, 2009 to amend its original 1999 Southern CREW Critical Project boundary to reflect the changing conditions in the project area.

The acreage recommended for removal was part of an approved boundary addition sponsored by SFWMD and the CREW Trust in 1999. Also, in 1999, the SFWMD Board approved its program's Southern CREW Critical Project whose stated purposes included: restoration of wetland hydrology and sheet flow, reduction of harmful freshwater discharges to Estero Bay, improvement of habitat for endangered species and other wildlife, reduction of nutrient and pollutant discharges to the Imperial River and Estero Bay and reduction of flooding to homes and private lands near the project area. It was anticipated that SFWMD and the Department would be partners in its acquisition. The result of the boundary addition was to create a more congruent CREW boundary between both programs.

To date, the SFWMD has completed the following components of its Southern CREW Critical Project:

- Imperial Bonita Estates Bridge has been removed;
- Kehl Canal Weir has been replaced;

- Exotic plants have been removed from 2,560 acres;
- Hydropattern restoration has occurred on 640 acres of wetland.

Since the 1999 approval of the Southern CREW Critical Project, several major developments have occurred in the east Bonita/south Lee County area. According to the SFWMD, changes to the region include:

- Incorporation of the City of Bonita Springs and the annexation of significant portions of the east Bonita area;
- Creation of the Density Reduction/Groundwater Recharge classification in the Lee County Land Use Regulations (DR/GR) overlying the region providing density restrictions to protect groundwater in the region;
- Establishment of the adjacent 28,540 acre Corkscrew Regional Ecosystem Watershed Trust for management of the CREW lands;
- Implementation of significant portions of the SLCWP and the improvement of conditions along the Imperial River west of I-75;
- Lee County Conservation 20/20's purchase and restoration of parcels adjacent to the Southern CREW Critical Project boundary;
- Development within the original footprint of the Southern CREW Critical Project;
- Alignment of County Route 951 south of the Kehl Canal;
- Development along Bonita Beach Road;
- Implementation to date of the Southern CREW Critical Project Recommended Plan as listed above.

All of the above noted changes led to a reassessment of the lands needed for implementation of SFWMD's Southern CREW Critical Project. In particular, the increase in land costs and significant development along Bonita Springs Road both in the current project boundary and adjacent to the boundary resulted in the reassessment and SFWMD's Governing Board revision to its Southern CREW Critical Project boundary on February 12, 2009, on the basis that "the overall project objectives can be achieved at significantly less cost to the public with reduced acquisition of private lands."

The entire boundary amendment area supports low density residential or commercial land use. Most of the land within the area recommended for removal is zoned for single-family residential. Two low-income mobile home parks would also be deleted as a result of approval of this boundary revision. Limited commercial development exists along Bonita Springs Road. Those parcels that are not developed have significant exotic plant infestation and are often used as illegal dump sites. The area is a part of the Lee County designated Density Reduction/Groundwater Recharge classification in the Lee County Land Use Regulations providing density restrictions to protect groundwater in the region.

The extension of County Road (CR) 951, first proposed in 2002 to connect Corkscrew and Bonita Beach roads parallel to Interstate 75, is on hold. This boundary revision would help facilitate the road extension if its construction is eventually funded. Lee County and the SFWMD have worked cooperatively together on road options and mitigation for possible impacts to the CREW project area. Scenarios include acquisition by Lee County of parcels owned by the Trustees of the Internal Improvement Trust Fund (TIITF) and/or TIITF and the SFWMD in sections proposed to be removed from the TIITF CREW boundary. Funds received by SFWMD would then be used to buy land elsewhere within the CREW project area. According to the SFWMD, this boundary revision and the exchange between SFWMD and the TIITF described in Item #15 would not negatively impact the CREW Florida Forever protection and restoration goals of either the ARC/TIITF or the SFWMD regardless of whether or not the extension of CR 951 is funded and built. It should be noted that objections were raised by the United State Fish and Wildlife Service (USF&WS) on 10/23/2007 (see attached for USF&W

comments and responses from Lee County DOT and SFWMD) on the “proposed reduction in scope of the southern CREW restoration project.”).

In subsequent discussions and meetings with the SFWMD the USFWS determined that the boundary change was acceptable but they remained concerned about the alignment of the extension of CR 951. The SFWMD has submitted a boundary change request and land swap request to the USFWS associated with the grant funds that were used for the original land acquisition. The decision from USFWS is pending. See also attached the “2009 CR 951 Position Statement” signed by environmental organizations expressing concerns about potential negative environmental impacts of the extension of CR 951.

In 1999, according to SFWMD, the Division of Historical Resources determined that the Southern CREW Critical Project would have no effect on listed historic properties (letter dated August 23, 1999). It has further been determined by SFWMD that a Cultural Resources Assessment Survey is not needed for the removal of parcels from the Southern CREW Critical Project Boundary or resultant reduction in the CREW Florida Forever Project boundary. Removing these parcels within the ARC/TIITF CREW project boundary would reduce the overall acquisition cost while still maintaining the integrity of the ecosystem; and rehydrating the Southern CREW Critical Project area, according to SFWMD. It would also, again, align the southern CREW boundaries of both Florida Forever programs.

DSL STAFF RECOMMENDATION: Approve the boundary reduction.

ARC RECOMMENDATION:

ITEM 7:

REQUEST: Modifications to the Brevard Coastal Scrub Ecosystem Florida Forever project boundary.

LOCATION: Brevard County

DSL Staff Remarks:

The Office of Environmental Services received requests by certified letter that ownerships within the Brevard Coastal Scrub Ecosystem Florida Forever project in Brevard county be removed from the project’s boundary. Pursuant to Paragraph 259.032(15), Florida Statutes, the board of trustees shall delete property from a project boundary if requested to do so by certified letter from a landowner whose property is in a Florida Forever project.

Mr. John S. Copanos and Mr. John D. Copanos, requested by certified letter that a parcel of 20 acres be removed from the project boundary. Mr. John Copanos, Sebastian Resources 400, LP, requested by certified letter that four parcels totaling 902.13 acres be removed from the project boundary. Mr. Nick Dionisio, Brevard Landvest, LLC, requested by certified letter that four parcels totaling 744.82 acres be removed from the project boundary. The acreage of the nine parcels, located within the Malabar Expansion and Valkaria/Micco Expansion (added in 2000) and Micco (added in 1994), totals 1,666.95 acres and has a 2009 market value of \$2,645,120.00.

The Brevard Coastal Scrub Ecosystem Florida Forever project is being reevaluated to eliminate parcels that are no longer suitable for conservation. Because of the owner-requested deletions of these 1,666.95 acres, some additional lands will likely be recommended by staff for removal due to management considerations.

DSL STAFF RECOMMENDATION: Approve the changes to the project boundaries.

ARC RECOMMENDATIONS

ITEM 8:

REQUEST: Approve Revised Management Prospectus for Windover Archaeological Site

LOCATION: Brevard County

DSL STAFF REMARKS: The Windover Archaeological Site in Brevard County was recommended for inclusion on the Florida Forever List by ARC in June, 2009. Brevard County was the proposed manager, but the Brevard County Board of County Commissioners (Commission) had not yet approved accepting management of the site. The letter notifying the Commission of this vote for approval as a Florida Forever project noted that it was conditioned on the Commission's approval of the Brevard County Environmentally Endangered Lands (EEL) Program's prospective management of the site. The letter also stated that the ARC requested that the county clearly state its intention to provide public access and education should the site be acquired. For the proposal to be placed on the September Florida Forever list, the letter included a request that the county notify the Division of State Lands no later than August 7, 2009, of its approval of the management prospectus. Since the item was not voted on by the Commission until August 18, 2009, this project was not among the projects on the September, 2009 Florida Forever list. The revised prospectus that resulted from that meeting (see backup) has several stipulations to address concerns of the residents of Windover neighborhood.

The Pillsbury Mound management prospectus prepared by Manatee County's Conservation Lands Management Department and approved by their County Commission is provided for comparison. Pillsbury Mound has recently been acquired using Emergency Archaeological funds and is being recommended for removal as 100% complete.

In both cases, a county entity would manage the site. Neither prospectus includes the development of recreational amenities, and no revenue-generating potential was anticipated for either site. The Pillsbury Mound prospectus concentrates on securing the site with a suitable barrier and restoring it. One condition included in the Windover prospectus is that it would be designated a Category 3 Sanctuary, which would imply some level of security. Another condition notes that "staff and volunteers will be trained to ensure the archaeological integrity of the site is not impacted." No additional staff will be assigned for the management of either site. Both prospectuses make reference to educational use. The Pillsbury Mound prospectus includes the following: "Future plans may include extending the County's current cultural and environmental educational program to include the site." For Windover, "the public use of the site would be for educational or scientific purposes only" and "public use would be limited to supervised (guided) tours only."

Opportunities for learning more about Windover and for arranging to see the site would be arranged through the Enchanted Forest and the Brevard Museum of Natural History and Science. The interpretive signage for the Windover site is currently located at the natural history museum.

If the revised management prospectus for the Windover Archaeological Site is approved by the Council, the project will be included on the February, 2010 Florida Forever list. Any modifications to the prospectus by the Council will require that it be reconsidered by the Brevard County Board of County Commissioners.

DSL STAFF RECOMMENDATION: Approve the revised management prospectus for Windover Archaeological Site

ARC RECOMMENDATION:

ITEM 9: [For December 10th meeting only]

REQUEST: Receive public testimony on the two new proposals under consideration for addition to the February, 2010 Florida Forever priority list and the projects on the existing September, 2009 Florida Forever Priority List.

DSL Staff Remarks: Notice for receiving public testimony on the two new proposals and the 109 projects on the existing September, 2009 Florida Forever list was published in the following newspapers: Florida Today, Orlando Sun-Sentinel, Florida Times Union, Tallahassee Democrat, Pensacola news as well as the Florida Administrative Weekly through the Department of State. A public hearing was held on December 4, 2009 at the Brevard Commission Board Room, 2725 Judge Fran Jamieson Way, Bldg C, First Floor, Viera, FL 32940

ITEM 10:

REQUEST: Consider Project Evaluation Reports for new projects.

DSL Staff Remarks: Notice for receiving public testimony on the two new proposals and the projects on the existing September, 2009 Florida Forever list was published in five newspapers, as well as the Florida Administrative Weekly through the Department of State. An additional public hearing was held on December 4, 2009, at the Brevard County Commission Chambers in Viera, Florida at 6:00 p.m.

Project evaluation reports for the following two new 2009 Cycle 2 Florida Forever projects have been prepared for review by the Council:

1. Maytown Flatwoods, Less-than-fee acquisition, Brevard and Volusia counties
2. Shoal River Buffer, Fee-simple acquisition, Okaloosa County

DSL STAFF RECOMMENDATION: Approve the two evaluation reports.

ARC RECOMMENDATION:

ITEM 11:

REQUEST: Develop the August, 2009 Florida Forever Priority List

DSL Staff Remarks: (a) Vote to remove existing project(s) from the priority list, if any; (b) Vote to move existing projects from the 'A' group to the 'B' group and vice versa, if any; (c) Vote to select which of the new projects – Maytown Flatwoods (Brevard and Volusia counties) and the Shoal River Buffer (Okaloosa County) – to add to the Florida Forever list, and (d) Approve the revised priority list for submittal to the Board of Trustees of the Internal Improvement Trust Fund (multiple counties).

DSL STAFF RECOMMENDATIONS: Staff recommends removing two projects from the Florida Forever list. The Pillsbury Mound project (Manatee County) was purchased in its entirety in July, 2009. With the purchase of the 574 acres from The Nature Conservancy in August and November, 2009, the Yellow River Ravines project (Santa Rosa and Okaloosa counties) is

approximately 92 percent complete and can be removed from the list. Staff recommends removing both projects from the Florida Forever list. Staff recommends that no projects be moved from the 'A' group to the 'B' group or vice versa.

ARC RECOMMENDATION:

- () Vote to remove existing project(s)_____
- () Move existing projects from 'A' to 'B' and 'B' to 'A'_____
- () Vote to select new projects (see attached voting sheet)
- () Approve recommended August 2009 Florida Forever Priority List

MANAGEMENT PLANS

ITEM 12:

REQUEST: Consider a Management Plan Amendment for the Yamato Scrub Natural Area

LOCATION: The Palm Beach County (County)

APPLICANT: The Palm Beach County

DSL STAFF REMARKS: The City of Boca Raton (City) has constructed segments of a multipurpose pathway to the north and south of the Yamato Scrub Natural Area (Lease No. 4176) and on a portion of the natural area that is owned jointly by City and County. This effort is part of the implementation of the City's bicycle, pedestrian, greenways and trails master plan. The City wants to construct the "missing link" to complete the pathway inside the western boundary of the portion of the site owned by the State because the Lake Worth Drainage District will not allow construction of that segment on the E-4 Canal right of way adjacent to the natural area.

The City has obtained federal transportation enhancement funding through the Florida Department of Transportation for the design and construction of this segment of the pathway. Because the 10-year update to the management plan for the natural area is not due to the Acquisition and Restoration Council (ARC) for review until 2011, the City's request for permission to construct the segment on the natural area needs to be considered at this time.

Background

The City applied to the Lake Worth Drainage District (LWDD), which owns the right-of-way for the E-4 Canal adjacent to the Yamato Scrub, for permission to construct that part of the pathway within the LWDD right-of-way. LWDD denied the City's request. The City then asked County, as the manager of the property, to ask permission from the State, as the landowner, for the pathway to be constructed on state-owned land inside the western perimeter of the natural area. The initial management plan for the natural area was approved by ARC on December 6, 2001, and the ten-year revision will be due in October 2011

The City and County would jointly oversee the construction of the pathway and the City would be responsible for the construction, management and maintenance of the pathway. Palm Beach County Department of Environmental Resources Management (ERM) staff has not observed any listed species present in the area that would be used for the construction of the western pathway. The majority of the route currently is used as a management road and firebreak and is clear of most vegetation. The new pathway would be used by the County as a management road. It would be designed to allow for passage of fully-loaded brush trucks to be used during prescribed burns and other management equipment. There are several listed plant

species present in the LWDD-owned E-4 Canal right-of-way that would be protected if the pathway is placed within the natural area. The locations of these species would be marked for protection of the individuals during construction of the pathway. Both County and City staff would conduct inspections of the proposed pathway location to ensure that any listed species present are protected in place and/or relocated if necessary. The City plans to plant native vegetation on the west-side of the pathway, to install benches for seating for users of the pathway, and to provide a temporary irrigation system to ensure the success of the plantings. The remainder of the cleared areas adjacent to the pathway would be allowed to revegetate naturally. The City would pay for and install split-rail fencing adjacent to the pathway to prevent access to the natural area from the pathway. A farm-type access gate for maintenance vehicles would be provided on the pathway at a location to be determined by County. Public access to the natural area would be provided only at the parking area, which is located in the Knight tract on the north-side of Clint Moore Road. Use of the pathway would be limited to the period between sunrise and sunset; therefore, no lighting is proposed for the pathway.

Public Involvement

The City's request was considered favorably at the September 18, 2009, public meeting of the County's Natural Areas Management Advisory Committee, which recommended that the request be forwarded to the State for review. State approval was granted in 2007, for a similar pathway, the Jupiter Riverwalk, on the Jupiter Ridge Natural Area. The revised management plan for that site was recently approved by ARC.

DSL STAFF RECOMMENDATION: Approve management plan amendment.

ARC RECOMMENDATION:

ITEM 13:

REQUEST: Consider a 10-year Management Plan for the East Central Regional Rail Trail

LOCATION: Brevard and Volusia Counties

APPLICANT: The Florida Department of Environmental Protection's ("DEP") The Office of Greenways & Trails ("OGT"), Volusia County, Brevard County

DSL STAFF REMARKS:

Background

This trail corridor traverses northern Brevard County and southern Volusia County. The common name for this property is the East Central Regional Rail Trail. The trail corridor spans 50.8 total miles, connecting the community of Enterprise in southwestern Volusia County to the City of Titusville in northern Brevard County, with an additional spur from the former community of Maytown to the City of Edgewater. Communities near the trail corridor include Enterprise, Deltona, Osteen, Scotts moor, Mims, Titusville, Edgewater and New Smyrna Beach. Passing through Enterprise and into Osteen, the trail crosses SR 415, continues east and passes under I-95 in Brevard County.

Purchase of the East Central Regional Rail Trail was explored for nearly 20 years. In late 2001, the East Central Florida Regional Planning Council assisted the counties of Volusia and Brevard in submitting an Application for Acquisition of Land to the Office of Greenways and Trails Acquisition Program under Florida Forever. The project was evaluated, ranked and placed on OGT acquisition work plan by the Florida Greenways and Trails Council. Next, DEP Division of State Lands, in coordination with OGT and the counties, began the process of surveying the corridor and having it appraised. Due to the nature of such a long-standing corridor, many title

issues had to be resolved. Although the railroad tracks were removed over 50 years ago in many places except in the Titusville/Mims area, where they were only removed two years ago, title to the corridor itself remained in the hands of the Florida East Coast Railway Company ("FEC"). With such a long history of ownership, the railroad right-of-way has been left off of title searches hence private buildings have encroached on the right-of-way. Negotiations will be conducted to resolve these encroachments.

Ultimately, nearly the entire corridor was purchased from FEC for \$16 million using OGT's Florida Forever funds. Being the longest rail-to-trail acquisition in the State of Florida, the final corridor is 50.8 miles long and ranges from 35 to 200-feet-wide for a total of 668.35 acres. The purchase closed on December 31, 2007, with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Trustees") acquiring fee simple title. Once in public ownership, the trail corridor was leased to OGT for 50 years on April 25, 2008; in September 2008, OGT subsequently provided Volusia County and Brevard County 50-year subleases to develop and manage the proposed multi-use trail.

Public Involvement

The Advisory Groups held their organizational meetings on August 26, 2008, in Brevard County and August 28, 2008, in Volusia County. Subsequently, public meetings were held in September in both Brevard and Volusia Counties (September 17, 2008, and September 24, 2008, respectively). Both public meetings were well attended and gathered many interesting and useful comments. Advisory Group member list, advertisements, agendas, sign-in sheets, and a list of comments are attached as Appendix seven. In addition, participant contact information has been entered into a database so that they can be kept up-to-date on the progress of the Management Plan and the design and development of the trail segments. Additionally, the Management Plan was posted on the Volusia and Brevard County web sites for public comment and the Project Development & Environment ("PD&E") Study has allowed for additional public involvement with public workshops scheduled during the Spring and Fall of 2009.

All comments received from the Advisory Committee and the public were considered. No significant issues were raised by the Advisory Committee, and there were no areas of substantial disagreement with this plan.

Management Plan Overview

Management activities are prioritized as follows: (1) ensure the safety of all patrons; (2) provide equal access for patrons; (3) protect the surrounding environment; (4) present a clean, comfortable, and enjoyable experience; (5) encourage user feedback; (6) provide maps and brochures; (7) promote a "share the trail" ethic; and (8) celebrate successes. The current phase of the East Central Regional Rail Trail project is completion of the PD&E Study. In addition, a specific plan to address any arsenic contamination will be developed. Once these steps are completed, the paved, multi-use trail will be designed, constructed and open to the public in phases. The trail will be developed in segments to spread the fiscal impact over several years. Brevard County will be responsible for developing their segments (14.9+ miles) and Volusia County will develop their segments (35.9+ miles). Preliminary trailhead locations include Green Springs Park, two potential Deltona parcels, Osteen Civic Center, Gobblers Lodge, Chain of Lakes, and the Maytown Spur area.

Because of the former rail line, natural vegetation that has grown up on the rail bed itself is of recent origin. The western and eastern termini are located in the relatively urban areas of Deltona, Titusville, and Edgewater. However, the middle portion of the trail corridor travels through a very rural area with large open stands of natural vegetation and the expansive Farmton timber lands creating a canopy of trees over much of this section. Adjacent to the built-up rail bed are 24 different natural vegetative communities.

A land management review has not been conducted on this area.

DSL STAFF RECOMMENDATION: Approve management plan.

ARC RECOMMENDATION:

ITEM 14:

REQUEST: Consider a Management Plan Amendment for the Caloosahatchee Regional Park

LOCATION: Lee County

APPLICANT: Lee County

DSL STAFF REMARKS: A private company has approached Lee County (County) with the proposal of constructing and operating a zip line at the Caloosahatchee Regional Park (CRP). Before this proposal can go through the bid process, the management plan will need to be amended to allow this use. This private use would need to be competitively bid and the County must provide the state with proof of liability insurance and indemnification prior to this use of state owned lands.

If approved, design and siting criteria will include (at a minimum):

- Avoiding listed species habitat and impacts on listed species including but not limited to hand fern (*Ophioglossum palmatum*), Eastern indigo snake, Gopher tortoise, and Crested caracara.
- The corridor for the zip line shall be selected to minimize the need for clearing and avoid impact on mature (> 12" diameter at breast height) trees.
- Construction techniques shall be used that minimize soil disturbance and collateral clearing damage.
- The location shall minimize conflict with existing trails.
- The zip line company shall be responsible for controlling exotic plants in and around the zip line towers, platforms and any other infrastructure required to operate the zip line within guidelines provided by Lee County Parks and Recreation.
- The zip line shall be operated to emphasize developing a "sense of place" for CRP and shall be educational with emphasis on the culture, history and environment of the area.

This type of recreational activity has not been previously allowed on state conservation and recreation lands. Therefore a discussion of whether or not this qualifies as natural resource-based recreation may be appropriate. Staff recommends that if this use is approved that the lessee insures that the successful bidder provide: One. Proof of adequate liability insurance. two. That the structures be as aesthetically pleasing as possible, and three. That the structures be removed at no cost to the State if this use ceases.

Background

The Caloosahatchee Regional Park (CRP encompasses approximately 768 acres is located in Southwest Florida in northeastern Lee County on the north side of the Caloosahatchee River. It is approximately two miles west of the town of Alva and is divided by County Road 78 (North River Road).

CRP has been in public ownership since 1969. Seven hundred 18 acres of the site were purchased by Trustees of the Internal Improvement Trust Fund and leased to the Florida

Department of Natural Resources (now known as the Department of Environmental Protection), Division of Recreation and Parks. This entity had no immediate plans for the development of facilities and programs and consequently Lee County obtained a 50-year lease to the property for development of public, outdoor recreational facilities as a unit of the County's Regional Park System on June 14, 1989. The park was opened to the public in March 1999. Lee County obtained a lease from South Florida Water Management District on April 20, 2004, and is currently operating under Amendment two (second extension of lease) of this lease effective April 20, 2009, through April 19, 2014. The establishment of CRP fulfilled the need for a regional park in northeastern Lee County.

Public Involvement

A public hearing was held on October 20, 2009, to allow for input by an advisory group and the public pertaining to the proposed changes to the CRP Resource Management Plan [as required by Section 259.032(10)(b), F.S.]. This public meeting focused on the following items: the recent extension of mountain bike trails, the recent extension of a parking area to accommodate the public that utilizes mountain bike and equestrian trails, the new location of the Program Center/ Lodge and the proposal of a zip line.

DSL STAFF RECOMMENDATION: Approve management plan amendment.

ARC RECOMMENDATION:

ITEM 15:

REQUEST: Consider a Management Plan amendment and annual report for Huguenot Memorial Park

LOCATION: Duval County

DSL Staff Remarks: Huguenot Memorial Park encompasses 313 acres of coastal habitat, 161 of which is leased to the City of Jacksonville by the Board of Trustees, and 152 acres of federal land. It is located east of Interstate 95 and State Road 9-A, in Duval County. It is a large L-shaped peninsula bordered by the St. Johns River, Atlantic Ocean and Fort George Inlet and connected to the mainland at the park entrance on the western end. The park is managed by the City of Jacksonville (COJ), Recreation and Community Services Department.

The Acquisition and Restoration Council (ARC) recommended approval of the ten year management plan for this park on December 12, 2008. The approval was contingent on the COJ returning to the ARC at the December 2009, meeting and on providing a report on the status of implementation of the approved management plan. The COJ has provided the Division of State Lands (DSL) with the report and has also requested that the management plan be amended to include:

1. changes in the areas that pets are allowed;
2. clarification of the boundaries of the managed area;
3. clarification of the makeup of the stakeholders of the Shorebird Management Team;
4. and driving restrictions to the emergent shoals.

The specific changes to the plan are outlined in an attached letter from the COJ dated October 12, 2009. The annual report is attached as well as a revised conceptual plan map. An e-mail is also attached which outlines the changes made to the plan after the ARC

meeting and before it was approved by DSL (in January of 2009) based on comments at the December 2008, ARC meeting.

DSL STAFF RECOMMENDATION: Approve management plan Amendments.

ARC RECOMMENDATION:

OTHER LAND MANAGEMENT ISSUES

ITEM 16:

REQUEST: Consideration of (1) a determination that 77.62 net acres, consisting of an undivided interest in 34.50 acres, and a 100 percent interest in 60.77 acres, of Board of Trustees' land is no longer needed for conservation purposes pursuant to section 253.034(6), F.S., and; (2) an exchange of the 77.62 net acres for lands of equal value owned by the South Florida Water Management District within the Corkscrew Regional Ecosystem Watershed Florida Forever Project.

LOCATION: Lee County
Corkscrew Regional Ecosystem Watershed (CREW)

APPLICANT: South Florida Water Management District (SFWMD)

CONSIDERATION: As a net conservation benefit for this exchange, the Board of Trustees and SFWMD will consolidate their respective ownerships for more effective government, and the SFWMD can proceed with disposing of lots not needed for management as part of the Florida Forever project.

DSL STAFF REMARKS: The Division of State Lands (DSL) received a request from the SFWMD to exchange 77.62 net acres (undivided interest in 34.50 acres and 100 percent interest in 60.77 acres) of land owned by the Board of Trustees in the CREW project in Lee County for lands of equal value owned by the SFWMD elsewhere within the CREW boundary. The SFWMD is the designated manager of the CREW project.

HISTORY: The CREW project was established to conserve connections between three conservation areas; provide critical protection for rare wildlife; and protect the flow of water feeding the Florida Panther National Wildlife Refuge, Fakahatchee Strand, and other areas. A boundary amendment approved by the Acquisition and Restoration Council (ARC) in 2002 at the request of the SFWMD added the Imperial River Flowway (IRF).

The Board of Trustees' CREW project encompasses the SFWMD's Southern CREW Critical Project (Southern CREW). The SFWMD's interest in this area included replacement of the Imperial Bonita Estates Bridge; replacement of the Kehl Canal Weir and modifications to its operating schedule; the purchase of up to 4,670 acres of land located upstream of the Kehl Canal Weir; filling of agricultural ditches and removal of structures and roads; and acquisition of easements or other interests if needed to improve or preserve the IRF.

To date, several of the SFWMD's project goals have been achieved, including the replacement of the bridge, replacement of the weir and amended operating schedule, acquisition of easements or other interests needed for the IRF, and ditching of canals within the project. On February 12, 2009, the SFWMD approved a boundary amendment reducing its Southern CREW project boundary by approximately 701 acres along the southwestern boundary of the project. The area deleted from the project has been altered by the construction of roads, house pads, berms and ditches resulting in restriction of the historic sheetflow, unnatural water impoundment, and disruption of natural wetland functions. As a result of this development, acquisition costs soared and the SFWMD determined that it would be preferable to focus its efforts and maximize its acquisition funds on acquiring the scattered inholdings within the remaining project.

To implement its goals, the SFWMD has requested that all lands owned by the Board of Trustees in the IRF, and lands in the areas deleted from its Southern CREW boundary, be transferred to the SFWMD in exchange for SFWMD lands within the remaining project boundary. Acquisition in CREW is handled by the SFWMD on behalf of the Board of Trustees under a 161 Agreement; therefore, sole ownership of these lots by the SFWMD will facilitate their sale or exchange for inholdings.

Proposed Land Exchange

The parcels proposed for exchange with the SFWMD were acquired with Florida Forever and Preservation 2000 funds over a period of several years. The Board of Trustees will convey to the SFWMD 77.62 acres consisting of 12.78 acres within the IRF owned entirely by the Board of Trustees, 34.50 acres (16.85 net acres) within the CREW boundary in which the Board of Trustees and SFWMD share ownership, and 47.99 acres owned entirely by the Board of Trustees within the CREW boundary (77.62 acres = 12.78 acres IRF + 16.85 net acres shared ownership CREW + 47.99 acres CREW). The SFWMD will convey to the Board of Trustees 79.49 acres (SFWMD's undivided interest in 132.5 acres) located elsewhere in the CREW project boundary.

The Board of Trustees will also receive additional lands to be selected from lands owned entirely by the SFWMD within the CREW boundary as needed to ensure a value-for-value exchange. The exact location of these additional lands will not be known until such time as appraisals can be completed and the value difference between the known exchange parcels can be determined. Following the exchange, the SFWMD will focus its efforts on acquiring inholdings within the project boundary.

The lands proposed for exchange to the SFWMD are in an area under study for location of an expansion of County Road 951. There is opposition to the road expansion from local citizens' groups and environmental groups; however, regardless of the outcome of the road expansion project, ownership of these lands by the SFWMD for sale or exchange to acquire lands in the remaining project boundary is recommended.

STATUTORY REQUIREMENTS: Pursuant to section 253.034(6), F.S., and chapter 18-2.021, F.A.C., prior to any decision by the Board of Trustees to surplus conservation land, the Acquisition and Restoration Council shall make a determination that the land is no longer needed for conservation purposes and that the request is compatible with the resource values and management objectives for such lands.

The state-owned land is no longer needed for conservation purposes due to:

- Extensive development that has altered historic sheetflow and disrupted natural functions.
- The SFWMD, as the manager, has accomplished its goals in the IRF and has obtained the interests it needed in the project area for flood control.

Pursuant to chapter 18-2.021, F.A.C., when surplusing conservation lands as part of a land exchange, ARC shall also evaluate the lands being offered for exchange to determine if they are of equal value or greater conservation benefit than the state lands and whether the exchange would result in a net positive conservation benefit, regardless of appraised value.

The proposed exchange will provide a net positive conservation benefit because:

- the Board of Trustees will acquire undisturbed lands within the project area in exchange for lands in an area that has experienced significant private development including berms and ditches that have altered historic sheetflow and disrupted natural wetland functions;
- the SFWMD, as the manager, will be able to focus acquisition efforts and funding on acquiring inholdings elsewhere in the project area; and,
- vesting title to all the exchange lands in one governmental entity will facilitate sale or exchange of the surplus parcels and management of the remaining parcels by their respective owners.

DSL STAFF RECOMMENDATION: Approval

This request is contingent upon the Board of Trustees approval.

ARC RECOMMENDATION:

ITEM 17:

REQUEST: Consideration to ensure that a 50-year, 2.34±acre, 20-foot-wide public sidewalk trail easement within the Department of Environmental Protection, Division of Recreation and Parks (DRP), Tomoka State Park managed land is in compliance with the Board of Trustees' Linear Facilities Policy.

LOCATION: Volusia County
Section 42, Township 13S, Range 32E

APPLICANT: The City of Ormond Beach (City)

CONSIDERATION: City shall construct the public sidewalk trail and shall maintain the sidewalk trail for the life of the project. City shall also provide \$3,800 worth of trash receptacles and \$2,600 worth of benches along the sidewalk trail. If approved, easement condition will give the City one year to complete construction from the date of execution.

DSL STAFF REMARKS: The concept of this project was developed by the Volusia County Metropolitan Planning Organization, Tomoka State Park (Park) and City to provide a connection from Inglesa Avenue to the Tomoka River Bridge. This connection will expand the

proposed Ormond Scenic Loop and Trail. This project is a cooperative effort between the Florida Department of Transportation (DOT), DRP and City. The proposed easement is for a public sidewalk trail and is within property managed by DRP that was acquired by Florida Board of Forestry for outdoor recreation and historic and related purposes June 11, 1937, to expand opportunities for outdoor recreation. Mature mesic hammock appears to be the only vegetation within the proposed easement area and the area's current use is a public park.

The Acquisition and Restoration Council's review is requested to ensure compliance with the Board of Trustees' Linear Facilities Policy.

AVOIDANCE: City has provided a site analysis for the proposed project demonstrating there are no other practical alternatives. City and DRP personnel have made a conscious effort in planning to locate the proposed public sidewalk trail within the area of least impact to the state lands. There appears to be no imperiled or other wildlife species located within proposed easement area and no historical or archeological resources.

MINIMIZING IMPACTS: The development of the proposed public sidewalk trail thru the Park rather than along Beach Street was to minimize the impact on the Park and the tree canopy along Beach Street. The proposed easement will have minimal impacts to the state lands as it will be paralleling North Beach Street and terminating at the main entrance of the Park. The designated path was selected with the assistance of the Park personnel and will provide pedestrians, joggers and cyclists a safe route to the park instead of using North Beach Street which has no shoulder. The area is bounded on the east by the Halifax River and by the Tomoka River to the west. There is only one street (Beach Street) that runs north and south in this area. This section of the state land is not adjacent to any larger conservation lands.

COMPENSATION: City shall construct the public sidewalk trail and shall maintain the sidewalk trail for the life of the project. City shall also provide \$3,800 worth of trash receptacles and \$2,600 worth of benches along the sidewalk trail. Pedestrian crossing and warning signs will be installed by the City.

DSL STAFF RECOMMENDATION: Approval

ITEM 18:

REQUEST: Consideration to ensure that a 50-year, 0.86±acre, 15-foot-wide utility easement within the Department of Environmental Protection, Division of Recreation and Parks (DRP) managed land, Okeechobee Battlefield Historic State Park, is in compliance with the Board of Trustees' Linear Facilities Policy.

LOCATION: Okeechobee County
Sections 25 and 36, Township 37S, Range 35E

APPLICANT: Okeechobee Utility Authority (OUA)

CONSIDERATION: OUA shall install/connect the water and wastewater services to the proposed park using a one-inch meter upon construction of the park facilities at a cost not to exceed \$34,600 as the additional compensation for the impacts to state lands. OUA will credit the amount listed above will be credited to an existing account for the facility located within the Okeechobee Battlefield Historic State Park and a monthly statement will be provided to DRP for balance history.

DSL STAFF REMARKS: The proposed easement is within property managed by DRP that was acquired with Florida Forever funding in November 2006, for the conservation and

protection of natural and historical resources and resource-based public outdoor recreation. The proposed easement is for a public utility sewer force main. Grass and weeds appear to be the only vegetation within the proposed easement area and its current use as a public park is limited since the park is not developed. There appears to be no imperiled or other wildlife species located within proposed easement. This section of the state lands is not adjacent to any larger conservation lands.

The Acquisition and Restoration Council's review is requested to ensure compliance with the Board of Trustees' Linear Facilities Policy.

AVOIDANCE: OUA has provided a site analysis for the proposed project demonstrating there are no other practical alternatives. A total of eight properties were reviewed as possible sites for the proposed utility sewer force main. It appears from the research that other options are not available due to the significant increase in static loss and maximum distance. OUA has made a conscious effort to locate the proposed utility sewer force main at the furthest boundary of the state owned land to have the least impact to state lands. OUA will restore the area back to pre-construction condition once construction is complete.

MINIMIZING IMPACTS: OUA shall avoid using above ground facilities that might impact the scenic view and will place the sewer force main underground in the proposed easement area. Since this area is known to have historical resources, a certified archeologist must be on site during any ground excavation and OUA has also agreed to return the area back to pre-construction condition once construction is complete.

COMPENSATION: OUA shall install/connect the water and wastewater services to the park using a one-inch meter upon construction of the park facilities at a cost not to exceed \$34,600 as the additional compensation for the impacts to state lands. OUA shall remove all invasive exotic plant species within the proposed easement area at their own expense (if any are found).

DSL STAFF RECOMMENDATION: Approval

ARC RECOMMENDATION:

ITEM 19:

REQUEST: Consideration to ensure that a one year, 0.46±acre, 10-foot-wide temporary construction easement within Florida Fish and Wildlife Conservation Commission (FWCC) managed land, Hilochee/Green Swamp Wildlife Management Area, is in compliance with the Board of Trustees' Linear Facilities Policy.

LOCATION: Polk County
Section 02, Township 27S, Range 24E

APPLICANT: Florida Gas Transmission Company (FGT)

CONSIDERATION: Easement fee based on appraised market value plus \$500 worth of goods and services provided by applicant to a private contractor specified by the FWCC.

DSL STAFF REMARKS: The proposed temporary construction easement is within property managed by FWCC. The property was acquired with Florida Forever funding in July 2001, for conservation and protection of natural and historic resources and resource-based outdoor recreation. The proposed temporary construction easement will house construction materials and equipment while FGT replaces an existing natural gas line. Pasture and cutover basin

swamp are currently within the proposed easement area, and its current use is a conservation area closed to the public. There appears to be no imperiled or other wildlife species located within proposed easement and no historical or archeological resources are known to be within the area. This section of the state lands is not adjacent to any larger conservation lands.

The Acquisition and Restoration Council's review is requested to ensure compliance with the Board of Trustees' Linear Facilities Policy.

AVOIDANCE: FGT has made a conscious effort to locate the proposed temporary space needed in areas that will have the least impact to state lands. FGT has stated the majority of their construction will be within the existing easement area, but during construction they will require additional area parallel to their existing easement to place material and equipment. Therefore, other alternatives are not available. FGT will restore the area back to preconstruction condition once construction is complete.

MINIMIZING IMPACTS: FGT has selected areas that are currently disturbed to use for the temporary placement of materials and equipment. FGT has agreed to return area back to preconstruction condition once construction is complete. In the event any trees need to be removed from the proposed temporary easement area, FGT will replace an equal number of like trees within the FWCC managed area.

COMPENSATION: Easement fee based on appraised market value plus \$500 worth of goods and services provided by applicant to a private contractor specified by the FWCC.

DSL STAFF RECOMMENDATION: Approval

ARC RECOMMENDATION:

ITEM 20:

REQUEST: Consideration of (1) a determination that a 3.7-acre parcel of state-owned property that is part of the Beker South Fork Unit and is currently under the management of the Florida Department of Environmental Protection, Division of Recreation and Parks is no longer needed for conservation purposes, pursuant to section 253.034(6), F.S., and (2) an exchange between Cecil S. Harrell and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for 3.7 acres of state-owned land for ten acres of land owned by Harrell Groves, Inc., a Florida corporation.

LOCATION: Manatee County
Sections 7 and 18, Township 33S, Range 21E

APPLICANT: Cecil S. Harrell

CONSIDERATION: Value for value exchange and, if necessary, cash boot from Cecil S. Harrell to equalize values.

DSL STAFF REMARKS: The Division of State Lands (DSL) received a request from Mr. Cecil S. Harrell to exchange ten acres of undeveloped lands owned by Harrell Groves, Inc. (Harrell) for 3.7 acres of state-owned lands currently under the management of the Florida Department of Environmental Protection (DEP), Division of Recreation and Parks (DRP) as part of the Beker, South Fork Unit (South Fork).

HISTORY: The 3.7-acre state parcel was acquired as part of 1,124 acres donated to the Board of Trustees in 1988 as the result of a Chapter 11 settlement. Both tracts for the proposed

exchange are located in Manatee County. The parcel was accepted without any restrictions or conditions. Approximately 80 percent of the Harrell western property line abuts South Fork. The fencing along the parcel adjacent to the grove was one of the encroachments that was accepted when the entire donation was made. Assuming their boundary was correct the previous owners of the Harrell parcel planted the grove and used the property right up to the fence line in the southwest portion of the shared property line. A 1988 aerial of the property shows that the 3.7-acre strip of state-owned land was already disturbed. Over the years as part of maintaining the grove, the 3.7-acre strip of state-owned land has been used for turning equipment, burning dead trees and passage around the edge of the grove. As a result, the state parcel has been altered from its natural condition and has lost its sandhill scrub characteristics.

STATUTORY REQUIREMENTS: Pursuant to section 253.034(6), F.S. and chapter 18-2.021, F.A.C., prior to any decision by the Board of Trustees to surplus conservation land the Acquisition and Restoration Council (ARC) shall make a determination that the land is no longer needed for conservation purposes and that the request for surplus is compatible with the resource values and management objectives for such lands.

The state-owned land is no longer needed for conservation purposes due to:

- the parcel consists of ruderal uplands and would require extensive time and money to restore.
- the parcel is a linear parcel about 60-feet-wide on the park boundary that does not provide access and is no longer needed for park purposes.

The request for surplus is compatible with the management objectives and resource values for the surrounding conservation lands and the state parcel that is being conveyed has not contributed to the objectives or purpose of South Fork nor has it been managed as part of South Fork.

Pursuant to Chapter 18-2.021, F.A.C., when surplus conservation lands as part of a land exchange, ARC shall also evaluate the lands being offered for exchange to determine if they are of equal or greater conservation benefit than the state lands and whether the exchange would result in a net-positive conservation benefit, regardless of appraised value.

The proposed exchange will provide a net positive conservation benefit because the state will receive:

- a parcel which is two times larger than the state-owned parcel;
- wetland and adjacent slope along the south fork of the Little Manatee River;
- land that contains superior intact natural resources that buffer the creek and its acquisition will act to smooth out the eastern boundary of South Fork;
- land that will bring South Fork Creek into the park boundary and add some protected buffer along the banks;
- approximately eight acres of bottomland forest, 1.5 acres of scrub/scrubby flatwoods, and less than an acre of blackwater stream and ruderal area; and
- a net positive gain of 6.3 acres

Mr. Cecil S. Harrell has also agreed to pay all costs of the exchange including, but not limited to, surveys, appraisals, title work, environmental site assessment (ESA), etc. A letter in support of the proposed exchange has been received from the DRP.

DSL STAFF RECOMMENDATIONS: Approval

This request is contingent upon the Board of Trustees approval.

ARC RECOMMENDATION:

ITEM 21:

REQUEST: Consideration of (1) a determination that a 2.2 +/- acre parcel of state owned property currently part of the Chassahowitzka Wildlife Management Area and managed by Florida Fish and Wildlife Conservation Commission, is no longer needed for conservation purposes, pursuant to section 253.034(6); and (2) an exchange between the Nativity Lutheran Church and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the 2.2 +/- acre of state-owned land for a 2.6 +/- acres of land owned by the Nativity Lutheran Church.

COUNTY: Hernando County (County)

APPLICANT: The Nativity Lutheran Church (Church)

CONSIDERATION: 2.6 +/- acres

DSL Staff Remarks: The Division of State Lands (DSL) and the Fish and Wildlife Conservation Commission (FWCC) received a request from the Church to exchange 2.2 +/- acres of land currently owned by the Board of Trustees (State Parcel) for 2.6 +/- acres of land owned by the Church (Church Parcel).

History: The State Parcel was originally purchased in 1995 with Preservation 2000 funds as part of the Chassahowitzka Wildlife Management Area (CWMA) and is currently managed by FWCC. The CWMA was established to conserve unique or significant ecosystems, conserve habitat critical to imperiled species of fauna and flora, protect aquifer recharge areas, protect the watershed floodplain of the Chassahowitzka estuary and to provide resource based public outdoor recreation compatible with the protection and conservation of the natural resources found there.

Proposed Land Exchange: The two parcels proposed for the exchange are located in Hernando County near the southeast boundary of the CWMA. The Church Parcel abuts the eastern and southern boundary of CWMA, as well as the northern boundary of land managed by the Southwest Florida Water Management District (SWFWMD) as part of the Weeki Wachee Preserve, to the south. The State Parcel is a narrow strip of land, approximately 1000-feet-long and 100-feet-wide surrounded on two sides by private ownership and abuts US 19 along its eastern boundary.

Due to the configuration of the two parcels, the proposed exchange would result in greater habitat integrity and manageability. This would translate to an enhanced capability to maintain extant plant and animal species, and enhanced potential to provide and manage public recreation. From a natural resource management perspective, this exchange would provide enhanced resource and operational management attributes to the State. The Church parcel offers a more contiguous and uniform boundary with lands currently managed by the State. The current State parcel distorts the uniformity in the boundary to the degree that management by FWCC is impeded and impractical. The improved connectivity with SWFWMD conservation lands and operational boundary improvement would likely facilitate the long-term management of upland wildlife, including gopher tortoise.

The Church plans to use the parcel they would receive in the exchange to enhance access to the Church and to increase the number of parking spaces at the Church. The Church has

indicated that their current access is unsafe due to the lack of adequate turn lanes and poor visibility from US Highway 19 to the Church.

FWCC has concluded that the planned Church facilities will not impede long-term resource and operational management or fish and wildlife based public recreational opportunities. The Church will also grant FWCC access to the parcel, through the Church parking lot.

STATUTORY REQUIREMENTS: Pursuant to section 253.034(6), F.S., and chapter 18-2.021, F.A.C., prior to any decision by the Board of Trustees to surplus conservation land, the Acquisition and Restoration Council (ARC) shall make a determination that the land is no longer needed for conservation purposes and that the request is compatible with the resource values and management objectives for such lands.

The state-owned land is no longer needed for conservation purposes due to:

- the parcel is a long narrow sliver approximately 100-feet-wide, surrounded on two sides by private ownership and abuts US 19 along its eastern boundary creating a parcel that is extremely difficult to manage; and
- the parcel is currently under management by FWCC as part of CWMA but is not utilized for access or for fish and wildlife based public recreational opportunities.

The request for surplus is compatible with the resource values and management objectives for the surrounding conservation lands as the state parcel that will be conveyed has contributed limited capability to meet the objectives or purposes of the CWMA and, FWCC has concluded that the planned Church facilities will not impede long-term resource and operational management or fish and wildlife based public recreational opportunities.

Pursuant to Chapter 18-2.021, F.A.C., when surplus conservation lands as part of a land exchange, ARC shall also evaluate the lands being offered for exchange to determine if they are equal or greater conservation benefit than the state lands and whether the exchange would result in a net-positive conservation benefit, regardless of appraised value.

The proposed exchange will provide a net positive conservation benefit because:

- It will improve the overall resource and operation management of CWMA;
- the state will receive a net gain in wildlife habitat;
- the state will receive a net gain in boundary integrity for CWMA;
- the exchange will provide increased potential for public recreation access and opportunities
- it would allow for better management by reducing patrol time and maintaining fence and fire lines during prescribed burning;
- the exchange would result in greater habitat integrity and manageability;
- the exchange would provide enhanced capability to maintain extant plant and animal species;
- the exchange would create approximately 80 meters of additional shared boundary between FWCC and SWFWMD managed lands; and
- the state will receive a net positive gain of 0.4 +/- acres.

DSL STAFF RECOMMENDATIONS: Approval

This request is contingent upon the Board of Trustees approval.

ARC RECOMMENDATION:

ITEM 22:

REQUEST: Consideration (1) of a determination that a 0.60-acre± parcel of state-owned property currently part of the West Orange Trail and managed by Orange County, is no longer needed for conservation purposes pursuant to section 253.034(6), F.S., and chapter 18-2.021 F.A.C.; (2) of a request for the surplus and sale of an approximate 0.60-acre parcel to Orange County (County); (3) to ensure that a 50 year 1.19± acre, 60-foot-wide construction and drainage easement is in compliance with the Board of Trustees' Linear Facilities Policy.

LOCATION: Orange County

APPLICANT: Orange County

CONSIDERATION: Appraised value for the surplus parcel and replacing the existing trail by realigning and reconstructing the trail on property owned by Orange County.

DSL STAFF REMARKS: The Department of Environmental Protection's Division of State Lands (DSL) and the Office of Greenways and Trails (OGT) received a request from Orange County (County) to buy an approximate 0.60 acres of land currently owned the Board of Trustees (Surplus Parcel) currently managed as part of the West Orange Trail (WOT). DSL and OGT also received a request from County for a construction and drainage easement over 1.19 acres of Board of Trustees land which adjoins the surplus parcel to the north (Easement Parcel).

HISTORY: The proposed surplus property and proposed easement area were acquired in 1994 with Preservation 2000 (P2000) funds as part of the Rails-to-Trails program. The Rails-to-Trails program was created by a resolution of the Governor and Cabinet on March 4, 1986, and enacted into law by the Florida Legislature in 1987 with a purpose of acquiring and developing abandoned railroad corridors for public recreational trail use. The parcels are traversed by a 14-foot-wide multi-use paved trail and are currently leased to OGT and subleased to County for management (development, operations, and maintenance).

REQUEST: The County is in the process of widening the Clarcona-Ocoee Road from a two lane rural section to a four lane divided urban roadway. Due to the widening of the Clarcona-Ocoee Road, the WOT is being realigned to the north of the existing trail.

Surplus - With the realignment of the trail, the Surplus Parcel would be abandoned and no longer used as part of the WOT. Thus this parcel would no longer be needed for conservation purposes.

Easement - The easement will be for realignment/reconstruction of the trail and for a storm water drainage pipe and appurtenances, required as part of the road improvements and expansion of Clarcona-Ocoee Road. The trail realignment/reconstruction language within the easement will terminate three years from the date the easement is issued.

The vegetation on the parcels consists of predominately mowed bahia grass. A 2009 environmental survey indicated the presence of Gopher tortoises near the area of the project limits. The County will be conducting an environmental survey on the subject parcels. In the event that any Gopher tortoises are identified on the subject parcels, County will work with the Florida Fish and Wildlife Conservation Commission to acquire all necessary permits for relocation of the Gopher tortoises. During the design phase of the project, an archeological study was completed and no known historical or archeological resources were found.

STATUTORY REQUIREMENTS: SURPLUS PARCEL - Pursuant to section 253.034(6), F.S. and chapter 18-2.021, F.A.C., prior to any decision by the Board of Trustees to surplus conservation land, the Acquisition and Restoration Council (ARC) shall make a determination that the land is no longer needed for conservation purposes and that the request for surplus is compatible with the resource values and management objectives for such lands.

The state-owned land is no longer needed for conservation purposes because the newly realigned trail will bypass this parcel and reconnect to the trail north of this parcel. As is common with rail-trail corridors, the only conservation value that the subject parcel has is for outdoor recreation as part of the WOT. Since this portion of the trail will be abandoned and no longer used as part of the WOT, its intended conservation value will cease to exist.

The request for surplus is compatible with the management objectives and resource values of the WOT as a state-owned conservation property. The WOT will continue to be used for a recreational trail and will not lose any connectivity. Therefore, the proposed surplus is consistent with the purpose for which the state parcel was originally purchased.

EASEMENT REQUIREMENTS: ARC's review is requested to ensure compliance with the Board of Trustees' Linear Facilities Policy.

AVOIDANCE: OGT and County have jointly agreed that the proposed easement is the most practicable route and the least environmentally disruptive.

MINIMIZING IMPACTS: The County has agreed to realign that portion of the WOT located within the easement area, to the satisfaction of OGT, and to return the remaining easement area to preconstruction condition, once construction is complete. The County has also agreed to provide continuous uninterrupted access to the trail during construction of the stormwater piping.

COMPENSATION: The County will pay appraised value for the surplus parcel and will replace the existing trail by realigning and reconstructing the trail on property owned by County.

This request is contingent upon the Board of Trustees approval.

DSL STAFF RECOMMENDATIONS: Approval

ARC RECOMMENDATION:

ITEM 23:

REQUEST: Consideration to ensure that each of the following easements would comply with the Board of Trustees' Incompatible Use of Natural Resource Lands Policy and/or the Board of Trustees' Linear Facilities Policy if granted. These multiple easement applicants are seeking similar approvals for the use of state owned land and are being presented together as recommended by the Acquisition and Restoration Council (ARC) at its April 11, 2008, meeting.

- 1.) .15 ± acre, 30-foot-wide, 50-year private access and utility easement.

LOCATION: Volusia County

APPLICANT: Coen Gilmore

MANAGER/SITE: Department of Environmental Protection, Office of Greenways and Trails (OGT) – East Central Regional Rail Trail.

CONSIDERATION: Easement fee based upon a comparative sales analysis plus \$500 worth of goods and/or services benefiting the East Central Regional Trail.

Remarks: The proposed easement is within property managed by OGT. Upon review, it was determined that the applicant's property is bordered to the west by state land that separates their property from the nearest public road. The surrounding state land was acquired for conservation and recreational activities including biking and hiking in 2007, under the Florida Forever program. Some of the natural communities are coniferous pine, mixed wetland hardwoods, and cypress. Native species consist of Florida Mouse, gopher tortoise, Eastern Indigo Snake and Florida Scrub Jay within the state land. Public use of the state land is not yet open to the public for recreational use. An archeological survey was not performed; however, the proposed easement is an old railway corridor and no buildings within or immediately adjacent to the site are listed on the National Register of Historic Places. Language will be inserted into easement making the applicant aware that prescribed burning may occur within the proposed easement. Applicant has stated there are no other property owners to request an easement from to gain access to their property; therefore, other alternatives are not available. (This request corresponds to delegation request numbers two and six of Item 11 on the April 10-11, 2008, ARC agenda.)

2.) .25 ± acre, ± 30-foot-wide, 50-year private access and utility easement.

LOCATION: Dixie County

APPLICANT: David K. Crapps

MANAGER/SITE: Florida Fish and Wildlife Conservation Commission (FWCC) Big Bend Wildlife Management Area

CONSIDERATION: Easement fee based on comparative sales analysis plus \$500 worth of goods and services provided by applicant to a private contractor specified by FWCC.

Remarks: The proposed easement is within property managed by FWCC that was acquired for conservation purposes under the Conservation and Recreation Lands Program. The proposed easement is for access and utilities. Mixed coastal salt marsh and upland pinelands with a sprinkling of cypress swamp are currently within the proposed easement area and its current use is open to public hunting, resource-based recreation, camping, hiking and picnicking. There appears to be Scott's Seaside Sparrow, Eastern Diamondback Rattlesnake, Black Rail Snake and Gulf Salt Marsh Snake wildlife species located within proposed easement. Specific area has no historical or archeological resources known to be within the area. The proposed easement will have minimal impact to the state lands as it will remain in its current state. Considering the state lands surrounding applicant's property, no other alternatives for access to applicant's property are available. (This request corresponds to delegation request numbers two and six of Item 11 on the April 10-11, 2008, ARC agenda.)

DSL STAFF RECOMMENDATION: Approval

ARC RECOMMENDATION:

ITEM 24:

REQUEST: Consideration to ensure a right-of-way easement that will serve one of six potential bridge crossings within the North Fork St. Lucie River Buffer Preserve, which is part of the Savannas Preserve State Park managed by the Department of Environmental Protection, Division of Recreation and Parks, is consistent with the Board of Trustees' Linear Facilities Policy.

LOCATION: St. Lucie County

APPLICANT: City of Port St. Lucie

CONSIDERATION: No easement fee is required for a public transportation easement. As net positive benefit for the impact of any of the proposed bridge crossings, the City of Port St. Lucie (City) will conduct four hydrologic restoration projects to enhance the water quality of the preserve; purchase 110± acres of land and convey fee simple title to the Board of Trustees; design, permit and construct the Savannas Recreation Area Trail; and, conduct three recreation construction projects to replace the Halpatiokee Canoe Access, to construct improvements to the existing Savannas Preserve State Park Education Center, and make improvements to Savannas Preserve State Park Canoe/Kayak Launch.

DSL STAFF REMARKS: The City is proposing to construct a transportation facility known as the Crosstown Parkway Extension at one of six potential locations to provide an efficient transportation link between the approved developments west of I-95 and the employment areas of U.S. 1. This corridor will provide east-west mobility needed for economic growth and to improve emergency response and hurricane evacuation. The City will need to obtain a right-of-way easement over state-owned conservation lands within the North Fork St. Lucie Buffer Preserve which is part of the Savannas Preserve State Park. The lands were acquired using Preservation 2000 funds and are managed by the Department of Environmental Protection (DEP), Division of Recreation and Parks (DRP) under Lease No. 4178.

The Acquisition and Restoration Council review is requested to ensure compliance with the three components of the Board of Trustees' Linear Facilities Policy which are avoidance, minimization of impact and compensation.

PROJECT OVERVIEW:

The South Florida Water Management District (SFWMD) is currently reviewing the City's application for a Conceptual Environmental Resource Permit (ERP) and Sovereignty Submerged Lands (SSL) easement for the proposed Crosstown Parkway extension and associated bridge over the North Fork St. Lucie River. The SFWMD's review is based on a "hybrid" bridge alignment that reflects the most intense impacts that each of the six alignments under consideration could have on state resources such as wetlands, state-owned recreation and conservation lands, and the North Fork St. Lucie River Aquatic Preserve. The SFWMD has requested additional information from the City to complete the application. When review of the application has been completed, the SFWMD staff will submit a recommended agency action to the SFWMD Governing Board. A conceptual ERP will not authorize construction. The DEP has provided the City with information on the potential resource impacts for each of the six alternative alignments under review.

In addition to the conceptual permitting process, the City – in consultation with the Department of Transportation (DOT) and United State Department of Transportation, Federal Highway Administration (FHWA) – has been conducting a Project Development and Environment (PD&E) Study to evaluate the six alignment alternatives for crossing the river, as well as a "no build" alternative. To be eligible for FHWA funding, federal staff determined that an Environmental

Impact Statement (EIS) would be required to analyze the potential impacts of the river crossing. A draft EIS is currently being developed for submission to the FHWA. The City and its consultants have been coordinating closely with resource and regulatory agencies throughout the PD&E study to identify ways to avoid, minimize and mitigate for all potential impacts. The objective of the EIS is to select and secure approval of a preferred alternative and to obtain FHWA funding for construction. Prior to construction, the applicant must submit to the SFWMD an application for an Individual ERP/SSL to construct the chosen alignment.

A. Impact Avoidance

Based upon the analyses undertaken for the ongoing Crosstown Parkway Extension PD&E Study and EIS, it has been determined that the Crosstown Parkway Extension Corridor is the only viable corridor to meet the City of Port St. Lucie's local and regional transportation needs.

Need for River Crossing

The City's existing transportation infrastructure across the North Fork of the St. Lucie River (NFSLR) consists of two bridge crossings which provide a vital link between the populated residential part of the City west of the river and the primarily commercial, regional corridor of U.S. 1 on the east side of the river. The two existing crossings are Port St. Lucie Boulevard to the south and Prima Vista Boulevard to the north with 6-lane and 4-lane cross sections, respectively. The adopted traffic Level of Service (LOS) standard for each bridge is LOS D for Port St. Lucie Boulevard and LOS E for Prima Vista Boulevard. Based on the FDOT Quality/Level of Service (Q/LOS) Handbook the existing bridges have a combined capacity of 89,200 daily vehicles (53,500 along Port St. Lucie Boulevard and 35,700 along Prima Vista Boulevard). The combined daily volume in 2008 across the two existing bridges is 104,680 vehicles (66,330 along Port St. Lucie Boulevard and 38,350 along Prima Vista Boulevard). As such, the two existing crossings are currently operating at a failing daily Level of Service (LOS F). Additionally, major sections of the existing Port St. Lucie Boulevard and Prima Vista Boulevard corridors within the project vicinity, including the intersections at the approaches to the existing bridges, currently operate below the adopted level of service standards during the AM and PM peak traffic hours.

The need for the proposed project has long been recognized by the City of Port St. Lucie and St. Lucie County as evidenced by the project's inclusion in the following planning documents:

- The City of Port St. Lucie Comprehensive Plan;
- The St. Lucie County Metropolitan Planning Organization's (MPO) 2025 Long Range Transportation Plan;
- The 2030 Regional Long Range Transportation Plan (RLRTP) for Martin and St. Lucie County MPOs, updated June 2007;
- The 2002 Martin and St. Lucie County Regional Land Use Study; and
- The 2004 Urban Land Institute - Port St. Lucie, Florida Panel Report;

The current adopted RLRTP forecasted the 2030 population for St. Lucie County to be over 610,000 which exceeds the Bureau of Economic and Business Research (BEBR) projection of 450,000. The higher rate of growth takes into consideration the Western Annexation Area in the City of Port St. Lucie. Over the next 20 years, the Western Annexation Area will add 30,000 homes and over 18,000,000 square-feet of employment space. Figure one is an aerial of the region depicting the approved development in the area, and its relation to the project Study Area. This planned growth will place an even greater burden on the two existing crossings which are already operating at capacity. Based on the traffic modeling conducted for the EIS, assuming a build condition consistent with the Long Range Transportation Plan (three bridge

crossings) the forecasted demand across the river exceeds 150,000 daily vehicles. A summary of the traffic forecasts for the various alternatives is noted in Table 1 below:

Table 1 – 2037 Travel Demand Forecasts for the Crosstown Parkway Extension Alternatives

	2008	2037		2037 BUILD ALTERNATIVES					
	BASE YEAR	NO BUILD	WIDENING	2A	2D	1C	1F	6B	6A
<u>Daily Traffic Crossing the River</u>									
Prima Vista Blvd	38,350	48,400	54,600	27,300	27,700	23,000	17,000	17,000	22,300
Crosstown Pkwy	N/A	N/A	N/A	59,700	57,100	62,300	64,600	64,600	59,700
Port St. Lucie Blvd	66,330	89,600	101,200	68,600	70,200	71,000	73,700	73,700	75,300
Total Daily Volumes	104,680	138,000	155,800	155,600	155,000	156,300	155,300	155,300	157,300
Total Capacity (C)	89,200	89,200	121,300	142,700	142,700	142,700	142,700	142,700	142,700
Total V/C	1.17	1.55	1.28	1.09	1.09	1.10	1.09	1.09	1.10
Traffic Volume Exceeding Capacity	15,480	48,800	34,500	12,900	12,300	13,600	12,600	12,600	14,600
Traffic Diversion from Prima Vista (%)	N/A	N/A	N/A	44%	43%	52%	65%	65%	54%
Traffic Diversion from Port St. Lucie (%)	N/A	N/A	N/A	23%	22%	21%	18%	18%	16%

Future growth along the existing corridors will only exacerbate the existing congested condition, and will threaten the safety and long-term viability of these corridors.

The proposed project is needed because of the inability of the existing bridges to meet the existing and projected travel demand between the communities west and east of the NFSLR. The high degree of projected traffic congestion cannot be alleviated by localized intersection improvements or improvements to the existing bridges. As noted in Table 1 above, even if both existing bridges were widened, the demand would still far exceed the capacity.

DSL STAFF RECOMMENDATION: Approval

ARC RECOMMENDATION:

ITEM 25:

REQUEST: Consideration to ensure that a 50-year 5.18± acre dredged material management area easement to the Sebastian Inlet District Commission within the Sebastian Inlet State Park (State Park) managed by the Division of Recreation and Parks (DRP) is in compliance with the Board of Trustees' Incompatible Use of Natural Resource Lands Policy.

LOCATION: Brevard County
Section 20, Township 30S, Range 39E

APPLICANT: Sebastian Inlet District Commission (District)

CONSIDERATION: As net positive benefit for the proposed easement, District shall provide \$500,000 worth of goods and services to contractor specified by DRP for projects directly benefitting state park. District has dredged area around public boat ramp within state park in the amount of \$14,000. District shall excavate tide pool area within the state park in the amount determined to be \$100,000. District shall also provide \$132,300 for calculated land value of the proposed easement area. District also intends to release 2.24± acres from their existing dredged material management area (DMMA) easement back to the Board of Trustees.

DSL STAFF REMARKS: In 1990 the Board of Trustees granted an easement to the District for a spoil disposal area within the park. Subsequent to that time, the District determined that the area was too small for the intended purpose and a larger area was needed. The District has

been negotiating with the DRP since 2005 to determine a mutually acceptable location and configuration for the expanded DMMA within the state park. The District currently has an existing easement of which they intend to release 2.24± acres back to the Board of Trustees since the area is no longer large enough for their project if the proposed easement is approved. As part of its discussion with DRP, the District has performed a Gopher Tortoise survey and has done an evaluation of the relocation options. In consultation with DRP, the District has evaluated relocation options and has agreed to relocate all Gopher Tortoises within the proposed easement area to Lake Louisa State Park at their expense. All relocation work will be done in compliance with the requirements and procedures of the Florida Fish and Wildlife Conservation Commission and other regulatory agencies. The area of the proposed easement was created by early inlet migration which occurred prior to the blasting of the inlet channel to bedrock (historic aerial pictures provided as back up information) so it would appear the area does not have any historical or archeological resources; however, DRP recommends the District submit the project for compliance review to the State of Florida's Division of Historical Resources before undertaking any ground disturbing activities. Lands surrounding the inlet that are suitable for a DMMA, necessary to maintain the inlet system, are extremely limited due to the abundance of estuarine marsh environment.

Council review is requested to ensure compliance with the four conditions of the Board of Trustees' Incompatible Use of Natural Resource Lands Policy.

Public Interest: The proposed easement will provide a localized storage facility for emergency inlet dredging and other small scale planned maintenance dredge projects in and around the inlet. Each of these projects directly benefits the public recreational use of the state park. The proposed easement will provide a more efficient dredging process for state park recreational resources such as the tide pool, inlet marina channel and the inlet itself.

Use is Not Incompatible: The use is not incompatible since the District shall provide \$500,000 worth of goods and services to contractor specified by DRP for projects directly benefitting state park. District has dredged area around public boat ramp within state park in the amount of \$14,000. District shall excavate tide pool area within the state park in the amount determined to be \$100,000. District shall also provide \$132,300 for calculated land value of the proposed easement area. District also intends to release 2.24± acres from their existing dredged material management area (DMMA) easement back to the Board of Trustees. The combined total from each of the listed projects to the state park is \$746,300.

No Practicable Alternative: Lands surrounding the inlet that are suitable for a DMMA, necessary to maintain the inlet system, are extremely limited due to the abundance of estuarine marsh environment. The District has evaluated other location with the assistance of DRP and has determined this location to be the most suitable and practicable. Alternatives such as barging dredged material proved a much greater cost. The dredged materials are intended for future beach renourishment projects.

Net Positive Benefit: As net positive benefit for the proposed easement, District shall provide \$500,000 worth of goods and services to contractor specified by DRP. District has dredged area around public boat ramp within state park in the amount of \$14,000. District shall excavate tide pool area within the state park in the amount determined to be \$100,000. District shall also provide \$132,300 for calculated land value of the proposed easement area. District also intends to release 2.24± acres of their dredged material management area (DMMA) easement back to the Board of Trustees. DMMA will also facilitate the maintenance of critically eroded beaches throughout the state park by storing beach quality sand to protect shorelines and sea turtle nesting habitat.

DSL STAFF RECOMMENDATION: Approval.

ITEM 26:

REQUEST: Consideration of Guidelines and Procedures for the Implementation of HB7157—Real Property Used for Conservation Purposes

DSL STAFF REMARKS:

Background: The 2009 Legislature, in its implementing legislation for Constitutional Amendment four, provided for exemptions from ad valorem taxation for lands used for conservation purposes. Section 196.26(2), F.S. states that:

“Land that is dedicated in perpetuity for conservation purposes and that is used exclusively for conservation purposes is exempt from ad valorem taxation.” ‘Dedicated in perpetuity’ is defined as ‘land encumbered by an irrevocable, perpetual conservation easement.’

Section 196.26(4), F.S. goes on to state that “Land that comprises less than 40 contiguous acres does not qualify for the exemption provided in this section unless in addition to meeting the other requirements of this section, the use of the land for conservation purposes is determined by the Acquisition and Restoration Council (ARC) created in s. 259.035 to fulfill a clearly delineated state conservation policy and yield a significant public benefit. In making its determination of public benefit, ARC must give particular consideration to land that:

- (a) Contains a natural sinkhole or natural spring that serves a water recharge or production function;
 - (b) Contains a unique geological feature;
 - (c) Provides habitat for endangered or threatened species;
 - (d) Provides nursery habitat for marine and estuarine species;
 - (e) Provides protection or restoration of vulnerable coastal areas;
 - (f) Preserves natural shoreline habitat; or
 - (g) Provides retention of natural opens space in otherwise densely built-up areas.
- Any land approved by ARC under this subsection must have a management plan and a designated manager who will be responsible for implementing the management plan.” The statute further requires that the conservation easement that serves as the basis for the exemption must include baseline documentation as to the natural values to be protected on the land, and that structures and other improvements situated on lands receiving the exemption and the land immediately surrounding such buildings and improvements must be assessed separately.

Finally, s. 196.26(9), F.S. states that “The Acquisition and Restoration Council, created in s. 259.035, shall maintain a list of nonprofit entities that are qualified to enforce the provisions of a conservation easement.”

No provision was made in the legislation for the creation of a process of application to the state, and no rulemaking authority given to the Department. Additionally, there were no definitions or limits provided for the criteria for which ‘particular consideration’ must be given by ARC.

Proposed procedures for (1) Application to the Acquisition and Restoration Council and (2) ARC determination that an easement fulfills a clearly delineated state conservation policy and yields a significant public benefit:

(1) To have a conservation easement considered by the Council for determination of whether or not an easement under 40 acres in size fulfills a clearly delineated state conservation policy and yields a significant public benefit, applicants must submit the following:

- copy of the conservation easement as recorded in their county's official records,
- baseline documentation report (as described on the application form)
- management plan that also identifies who will manage the land
- an explanation showing which clearly delineated state conservation policy(ies) is (are) fulfilled by the easement and how the easement yields a significant public benefit.

The application materials will be provided to the Council in electronic format to reduce the significant amount of paper that would be needed to provide paper copies.

(2) The Division of State Lands interprets the intent language in the Florida Forever Act (Chapter 259, F.S.) as summarizing a clearly delineated state conservation policy. Staff proposes to use both the Florida Forever measures from s. 259.105(4) and those specifically stated in HB 7157 as representing the relevant criteria to be weighed in determining the fulfillment of that policy. Therefore, to meet the test that a conservation easement under 40 acres in size fulfills a clearly delineated state conservation policy, the property as described in the baseline documentation report and as managed in accordance with the management plan, must meet at least one of the following requirements.

1. Contains a natural sinkhole or spring;
2. Contains a unique geological feature;
3. Located within a significant strategic habitat conservation area;
4. Provides nursery habitat for marine and estuarine species;
5. Provides for protection or restoration of fragile coastal areas;
6. Provides habitat for endangered or threatened species;
7. Provides habitat for imperiled species;
8. Contributes to a significant landscape, landscape linkage or conservation corridor;
9. Contains an underrepresented native ecosystem;
10. Protects natural floodplain functions;
11. Protects surface waters of the state;
12. Protects fragile coastal resources;
13. Protects functional wetlands;
14. Protects critically eroding beaches;
15. Provides groundwater recharge critical to springs, sinks, aquifers or other natural systems;
16. Provides retention of natural open space within densely built-up areas or urban service areas.
17. Other state conservation policy existing in Florida Statutes or Florida Administrative Code

To meet the test that a conservation easement under 40 acres in size must yield a significant public benefit, ARC must determine that the property as described in the baseline documentation report and as managed in accordance with the management plan would provide a meaningful, noticeable or measurable effect on one or more of the natural resources listed above.

If the property in question is adjacent to or surrounded by other lands that are permanently protected for conservation purposes, enhanced ability to protect and manage the natural resources of the existing conservation lands may be considered when determining whether a property yields a significant public benefit.

Proposed criteria for inclusion on the List of Nonprofit Entities Qualified to Enforce Conservation Easements

Because it is normally the easement grantee, or holder of the conservation easement, who is responsible for enforcing the provisions of an easement, the Division of State Lands interprets this provision to refer to nonprofit entities whose purpose is the conservation of land and who either hold conservation easements or plan to do so in the future. Staff has contacted land trusts and NGO's around the state to determine their interest in being included on the list of qualified entities. The list will be posted for the public on the State Lands website, and the organization may be contacted by landowners seeking an organization to which they could donate an easement to take advantage of the property tax exemption. Division of State Lands staff will be responsible for maintaining the list using the criteria approved by the Council.

To qualify for inclusion on this list, a nonprofit must be:

1. Organized for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code for the purposes of protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, or protecting natural resources.
2. In good standing with the IRS, the state in which it is organized and the state of Florida.

To demonstrate that nonprofits are qualified for inclusion on the list, they must initially submit to the Council a copy of their most recent IRS Form 990, a copy of corporate documentation (articles of incorporation, bylaws) indicating the purpose of their existence, a certificate of good standing from their state of organization, and a certificate of good standing from the Florida Secretary of State.

To remain on the list, nonprofits must, on an annual basis, submit their most recent IRS Form 990 and either a resolution from their governing body that their corporate documentation is unchanged or, if it has changed, an amended corporate documentation, and a current certificate of good standing from its state of organization and the Florida Secretary of State.

It is important to note the following:

1. Inclusion on the list does not create any obligation to agree to a particular donation of a conservation easement.
2. Inclusion on the list does not create any obligation by the Acquisition and Restoration Council to find that an easement held by a nonprofit fulfills a clearly delineated state conservation policy and yields a significant public benefit.
3. The list, posted on the Division of State Lands website, will contain a caution that donation of a conservation easement to an entity on the list does not assure that the donation will qualify as a charitable donation under the Internal Revenue Code or assure that the donation will qualify for an ad valorem tax exemption or reduction. Interested parties will be urged to consult with their tax advisors about those issues.

Reminder: DSL Policy on Conservation Easement Donations to the State of Florida: The Division of State Lands will not accept donations of conservation easements unless (1) they fall within the boundaries of an existing Florida Forever project, (2) the parcel proposed for donation is large enough to provide adequate protection to its natural and/or cultural resources, (3) the resources on the site do not require active management that could best be accomplished through fee-simple ownership *and* (4) the designated manager of that Florida Forever project or the Division's conservation easement monitoring team indicate a willingness to assume monitoring of the easement. A donation to the State of Florida may not in and of itself qualify as a charitable donation under the Internal Revenue Code or assure that the donation will qualify

for the ad valorem tax deduction. Persons interested in making a donation to the State of Florida are urged to consult their tax advisors concerning these issues.

DSL STAFF RECOMENDATION: Approve the proposed policies and procedures for implementation of HB 7157

INFORMATION / DISCUSSION

ITEM 27:

REQUEST: Discussion of Guidelines and Procedures for the Implementation of Capital Improvement Spending Requirements.

DSL STAFF REMARKS:

Background: The 2008 Legislature, in its legislation extending and revising the Florida Forever Program, provided that “at least three percent, but no more than ten percent, of the funds annually allocated pursuant to paragraph 259.105(3)(b) shall be spent on capital project expenditures that meet land management planning activities necessary for public access.” The cited section of Chapter 259 above refers to the 35 percent annual allocation of dollars to the Department for land acquisition. The minimum of three percent could reach \$3,150,000 in a year in which Florida Forever is fully funded, while ten percent could reach \$10.5 million.

Existing Chapter 18-24, F.A.C. already requires Acquisition and Restoration Council (ARC) to review and prioritize proposed capital improvement and restoration projects and provides for ARC to submit two ranked capital improvement project lists to the Board of Trustees (BOT) annually, one for restoration and one for ‘other.’ However, both the statute and current rule are silent on guidelines and procedures for distributing the capital improvement allocation among participating agencies or entities.

Proposed guidelines and procedures: For FY 08-9 DSL has held a total of \$3,150,000 in reserve for capital improvement expenditures from its Florida Forever allocation, which represents three percent, with none held back for FY 09-10 due to lack of Florida Forever funding. In future years, to be able to cover both those capital improvements related to activities necessary for public access and those related to restoration and other needs, Division of State Lands (DSL) proposes reserving the full ten percent allowed by statute.

Further, DSL proposes that the capital improvement allocation be divided equally among the six land managing entities, since all have areas that could benefit from increased public access. Each year (with the exception of FY 09-10), no later than August 30, agencies would submit two sets of prioritized capital improvement projects proposed for funding (one for public access projects and one for restoration and other) to DSL for review by ARC. At its October meeting, the ARC would review and combine the proposed capital improvement projects from all the entities into two prioritized lists for submittal to the BOT, one for public access and one for restoration and other related capital improvements. Each agency’s priority lists for capital projects would be delivered to the BOT along with the acquisition project rankings in January/February of the following year.

- Each entity should submit projects totaling potential expenditure of up to 1.5 times the entity’s anticipated allocation in order to allow some flexibility in expenditures once the lists are approved.

- Each entity would have until March 1 of the following year (12 months from the time of BOT approval of the list) to obligate their capital improvement funds. (Obligation of funds is defined as being under contract.)
- Unobligated funds would revert to the general pot of funds reserved for capital improvement projects to be equally re-allocated the following fiscal year.

For this year only, participating entities would be asked to submit their capital improvement project lists for enhanced public access only in advance by January 30, 2010, preferably in priority order. ARC would review and create a capital improvement project list for presentation to the Board of Trustees at their February meeting. This one-time only procedure is intended to allow for distribution and expenditure of the funds totaling \$3,150,000 already held in reserve by DSL from the FY08-09 allocation.

DSL STAFF RECOMENDATION: Discuss proposed policies and procedures and provide feedback to Department of Environmental Protection staff.

ITEM 28:

Management plans for properties smaller than 160 acres, minor amendments to management plans and emergency items approved since the August, 2009 ARC meeting.

Management Plan for Property Smaller than 160 Acres:

The following management plan for a property under 160 acres in size was posted on our website for at least two weeks. The Division of State Lands intends to approve the management plan. No action is required by the Council.

Ocean Park Management Plan (1.75 acres, Town of Melbourne Beach)

Minor Amendment to Management Plan:

The following minor amendment to a management plan was posted on our website for at least two weeks. The Division of State Lands intends to approve this request. No action is required by the Council.

Amendment to add a multi-purpose trail to the Guana Tolomato Matanzas National Estuarine Research Reserve management plan (Office of Coastal and Aquatic Managed Areas).

GENERAL ISSUES

ITEM 29:

REQUEST: Receive public comment on general land acquisition and management issues not included on this agenda.

DSL STAFF REMARKS: None.

DSL STAFF RECOMMENDATION: Receive public comment.